



JohnsonMowat
Planning & Development Consultants

Newett Homes

Land at 28, Northorpe Lane, Mirfield

**FULL PLANNING APPLICATION FOR THE DEMOLITION OF 1 NO. RESIDENTIAL
DWELLING AND THE ERECTION OF 45 NO. RESIDENTIAL DWELLINGS**

PLANNING CASE REPORT



Land at 28, Northorpe Lane, Mirfield, WF14 0QN

Newett Homes

Planning Case Report

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1.0 INTRODUCTION

1.1 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. In the Planning Acts, 'sustainable development' means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide their social, economic and cultural wellbeing while sustaining the potential of future generations.

1.2 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

The Proposal

1.3 This Planning Case Report has been produced in support of a Full Planning Application for the Demolition of 1 no. Residential Dwelling and the Erection of 45 no. Residential Dwellings.

1.4 The Planning Case Report should be read alongside the technical documents which comprise the planning submission. These are as follows:

- Design and Access Statement – **Edward Architecture;**
- Landscape Masterplan – **FDA Landscape;**
- Detailed Plans – **Edward Architecture;**
- Drainage Strategy – **Andrew Moseley Associates;**
- Geophysical Survey – **WYAS Archaeological Survey;**
- Phase 1 Ground Conditions – **Lithos;**
- Biodiversity Impact Assessment – **Futures Ecology;**
- Transport Statement – **Andrew Moseley Associates;**
- Tree Survey – **AWA Tree Consultants;**
- Noise Impact Assessment – **Environmental Noise Solutions Limited; and,**
- Viability Assessment – **Avison Young**



- 1.5 The Planning Case Report identifies the site location and provides a description of the site forming this full application, outlines relevant planning history, sets out the relevant planning policy and concludes with the planning case in support of the proposed development.



2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The application site, which is broadly triangular in shape, is located within the settlement of Mirfield within the administrative boundaries of Kirklees Council. Mirfield is located approximately 3 miles west of Dewsbury town centre, and 4 miles to the east of Huddersfield Town Centre.
- 2.2 The application site is allocated for housing on the Kirklees Local Plan (**site allocation ref. HS69**). This site designation indicates that a capacity of 48 dwellings is applicable for this site.
- 2.3 The application site is located off Northorpe Lane, and comprises the extended curtilage of 28 Northorpe Lane. The application site is served from Northorpe Lane, an adopted road taken from the arterial Shillbank Lane. Northorpe Lane terminates just beyond the application site and transitions into the Jane Lane.
- 2.4 The application site is just over a mile from the centre of Mirfield and just under a mile from the centre of Ravensthorpe, both of which provide a good range of shops and services.
- 2.5 Crossley Fields Junior and Infant Schools are located approximately 750m to the north west of the application site. The application site is bordered to the west by the rear gardens of houses that front onto Northorpe Lane. To the east the application site is bounded by a former railway embankment that is now heavily wooded, and to the north is open agricultural land that is Green Belt.
- 2.6 The majority of the application site is within a Coal Mining High Risk Area as defined by the Coal Authority. The site is also within Flood Zone 1.



3.0 PLANNING HISTORY

3.1 The most relevant planning history for the application site is as follows: -

- **93/00369** – Change of use of land for the rearing and breeding of ornamental fish together with retention of existing earth mound and 5 ponds and excavation of further 10 ponds for same use – Refused – Appeal Allowed
- **2008/93748** – Erection of detached dwelling with integral garage – Refused – Appeal Dismissed
- **2019/92378** - Outline application for erection of residential development at land east of 28 Northorpe Lane and associated off site layby works – Approved – Subject to s106



4.0 PROPOSED DEVELOPMENT

- 4.1 The Applicant seeks Full Planning Permission the Demolition of 1no. Residential Dwelling and the Erection of 45 no. residential dwellings.
- 4.2 The demolition of 28 Northorpe Lane to facilitate a new vehicular and pedestrian access to the site.
- 4.3 The existing topography has informed the layout with an upper and lower plateau of development.
- 4.4 The proposed road sweeps downwards into the site and along the western boundary serving outward-facing properties on the upper plateau before reaching the lower plateau serving properties on either side of the road.
- 4.5 Three properties at the south of the site are served from a private drive accessed from the primary road.
- 4.6 An area of public open space is provided to the north of the site which will also include a drainage pumping station and an underground surface water attenuation tank.
- 4.7 The orientation of the properties makes best use of the site's existing topography with level changes being absorbed within the rear garden zone between the upper and lower plateaus, with soft-landscaped solution where practicable, in order to minimise the requirement of large retaining structures.
- 4.8 Further details of the proposed development are set out in the Design and Access Statement, however it is pertinent to provide a summary of the key layout principles below:-
- Existing building demolished to facilitate site access;
 - Houses orientated towards the street to give an active frontage and ensure a good level of natural surveillance;
 - Road layout to use existing site topography and provide generous separation distance to existing properties on Northorpe Lane;
 - Properties on lower plateau to back onto the site boundary to provided generous separation distance to existing properties to the south and woodland belt to the east;
 - Houses overlooking public open space to give an attractive outlook and good level of natural surveillance;



- New tree planting provided, see Landscape Plan for details;
- Private garden space to the rear of properties enclosed by secure perimeter boundary;
- In-curtilage car parking provided throughout at a minimum ratio of 1 space per 2 bed dwellings and 2 spaces per 3 bed and 4 bed dwellings.
- Dual-aspect houses to key corners to increase natural surveillance and avoid prominent blank elevations

Scale

- 4.9 The proposed dwellings are a mixture of 2 and 2.5 storeys in height.
- 4.10 The scale of the proposed dwellings are in keeping with the local character and scale. The proposed accommodation schedule is set out in the table below.

Accommodation Schedule					
House Type			Area (sq.ft)	Quantity	Total Areas (sq.ft)
A2	House Type A2	2 bed terraced	758	4	3,032
BLA	Blackthorn	3 bed detached corner	973	1	973
SYC A	Sycamore Alt	3 bed semi detached	1,000	8	8,000
ASP	Aspen	3 bed semi detached/terraced 2.5 st	1,012	18	18,216
GUE	Guelder	4 bed detached	1,178	1	1,178
BUC	Buckthorn	4 bed detached integral garage	1,246	3	3,738
WIL	Willow	4 bed detached corner	1,384	2	2,768
HAZ+	Hazel +	4 bed detached integral garage 2.5 st	1,350	5	6,750
BIR	Birch	4 bed detached integral garage	1,418	3	4,254
TOTAL OVERALL				45	48,909 sq.ft
Net Developable Site Area				2.75 Acre	17,785 sq.ft/Acre
Total Site Area				3.38 Acre	

Landscaping

- 4.11 A Landscaping Scheme has been prepared by FDA Landscape and is submitted as supporting document.

Appearance

- 4.12 The proposed dwellings have been designed to reflect the local character. Floor Plans and Elevations for each proposed house type including a schedule of proposed materials supports this application.
- 4.13 The different elevation styles are proposed to reflect the mixed character of local properties and add variety to the appearance.



4.14 The following is a general summary of the key design features;

- A mixture of reconstituted stone, red brick and rendered elevations are proposed.

4.15 All plots to have: -

- Pitched roofs in grey concrete tiles;
- White uPVC double glazed windows with glazing bars to front elevations;
- White uPVC fascia boards and soffits;
- Black uPVC rainwater goods; and,
- Composite front doors (colour TBC);

4.16 Brick plots to have: -

- Plinth and contrasting brick band to front elevation;
- Splayed contrasting brick soldier heads and brick on edge sills to front elevation; and,
- Projected dentils and contrasting brick corbel detail to front elevations.

4.17 Stone and render plots to have: -

- Artstone window heads and sills to front elevations and surrounds to key windows;
- Artstone dentils to front elevations; and,
- Artstone quoin surrounds to some front doors.

Access

4.18 A new site access is proposed from Northorpe Lane. Details of the new site access are set out in the Transport Statement (AMA/20983/SK003).

Crime Prevention

4.19 Although the proposals are not seeking Secured By Design accreditation, the layout has been designed to achieve the key principles of Secured by Design Homes 2016.



5.0 PLANNING POLICY

5.1 The whole purpose and intention of the planning system is to enable the development of appropriate sites which are sustainable as defined by the National Planning Policy Framework (the Framework) and in particular as set out at paragraph 8.

5.2 The duty in Section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan.

5.3 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.”

5.4 Paragraph 2 of the Framework recognises the provisions of Section 38(6) stating: -

“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 when preparing the development plan, and is material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.

5.5 The correct approach to determining whether a proposal is in compliance with a development plan is uncontroversial: -

- All the relevant policies should be identified;
- An assessment should be made as to whether the proposal complies or not with each of those policies and the weight to be given to these;
- The development plan must be read as a whole;
- It must be recognised that separate policies within the same development plan can pull in different directions; and
- A development can conflict with one individual policy and still comply with the development plan as a whole.



- 5.6 Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 5.7 The reason for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principle important controversial issues, disclosing how any issue of law or fact was resolved¹.
- 5.8 The development plan for this residential development comprises the following local document:-
- Kirklees Local Plan (Adopted 27 February 2019)
- 5.9 The application site is allocated for housing on the Kirklees Local Plan (housing allocation reference HS69).
- 5.10 National Policy Guidance is provided by the Framework. It is recognised that the CS was adopted having regard for the provisions of the 2012 Framework. The Framework is a significant material consideration.

Local Policy

Kirklees Local Plan

- 5.11 The following policies are considered relevant:
- **LP1** – Achieving Sustainable Development
 - **LP2** – Place Shaping
 - **LP3** – Location of New Development
 - **LP11** – Affordable Housing and Housing Mix
 - **LP20** – Sustainable Travel
 - **LP21** – Highway Safety and Access
 - **LP22** – Parking
 - **LP23** – Core Walking and Cycling Network

¹ [2017] EWHC 664 (Admin)



- **LP24** – Design
- **LP27** – Flood Risk
- **LP28** - Drainage
- **LP30** – Trees
- **LP32** - Landscape
- **LP33** – Biodiversity and Geodiversity
- **LP35** – Historic Environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP48** – Community Facilities and Services
- **LP49** – Educational and Health Care Needs
- **LP50** – Sport and Physical Activity
- **LP51**– Protection and Improvement of Local Air Quality
- **LP52**– Protection and Improvement of Environmental Quality
- **LP53** – Contaminated and unstable Land
- **LP63** – New Open Space

Other Material Considerations

Supplementary Planning Guidance

- Highways Design Guide Supplementary Planning Document
- Kirklees Local Plan allocations and designations
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance
- Kirklees Strategic Housing Market Assessment (2016)
- Mirfield Design Guide (2002).



- 5.12 The application site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore, there is no emerging NDP to be considered as a material consideration in assessment of this application.

National Policy

National Planning Policy Framework (February 2019)

- 5.13 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.

- 5.14 Para 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.”

- 5.15 There are three objectives (Para 8) of sustainable development comprising the economic, social and environmental roles.

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

- 5.17 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para 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; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or



ii. 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.”

5.18 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;
- **Section 5:** Delivering a Sufficient Supply of Homes;
- **Section 6:** Building a Strong, Competitive Economy;
- **Section 8:** Promoting healthy and safe communities;
- **Section 9:** Promoting Sustainable Transport;
- **Section 11:** Making Effective Use of Land;
- **Section 12:** Achieving Well Designed Places;
- **Section 14:** Meeting the challenge of climate change, flooding and coastal change;
- **Section 15:** Conserving and enhancing the natural environment; and,
- **Section 16:** Conserving and enhancing the historic environment.
- **Section 17:** – Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG) (2014)

5.19 The Planning Practice Guidance (PPG) provide more detailed guidance to support the provision of the Framework and the policies included.



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.

The Principle of Development

6.2 The LP sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.

6.3 The application site was previously Green Belt land but is allocated for housing in the Local Plan (site reference HS69) which relates to the entire site (indicative capacity of 48 dwellings) subject of this planning application. Full weight can be given to this site allocation document which identifies the following constraints that are relevant to the site:

- Third party land required to achieve sufficient visibility splays; and,
- Part/all of the application site is within a high-risk coal referral area.

6.4 Subject to highways, design, residential amenity and other matters being appropriately addressed, the residential development on the application site is acceptable in principle and would make a contribution towards meeting housing need in the Kirklees district.

6.5 Furthermore, it is considered that residential development of this site can be regarded as sustainable, given the site's location adjacent to an accessible, already-developed area, its proximity to public transport and other facilities, and the measures related to transport that can be provided by the Applicant.

6.6 The application site is located close to the centres of Mirfield and Ravensthorpe, both of which provide a good range of shops and services. There are several schools within the vicinity and the site is easily accessible by public transport, with good bus routes within 200m walking distance of the site. Buses run along Shillbank Lane to the south of the site which provide access to both Dewsbury and Leeds. Considering the above, it is considered that this site is within a sustainable location and would comply with Paragraph 108 of the Framework which states that *"appropriate opportunities to promote sustainable transport modes can be - or have been – taken up, given the type of development and its location"*.

6.7 The Applicant has considered the 'Financial Viability' of this residential development. The Viability Assessment which accompanies this submission appraised the scheme assuming a wholly non-policy compliant position (i.e. zero affordable units are delivered as part of the



scheme) whilst still assuming the full monetary contributions for the additional S.106 contributions. In this scenario, the developers profit level is only marginally less than the minimum benchmark of 15% which makes the scheme broadly viable. In this context and to ensure the Applicant receives an appropriate market return for their investment, it will not be possible to provide any affordable housing within the scheme. This approach is supported in the Policy Justification for Policy LP11 which states at Para. 8.38 that: -

“Negotiation will take place on individual planning applications if viability information is provided to show that the level of affordable homes required cannot be delivered”

- 6.8 Although the application site is allocated in the LP, there remains a presumption in favour of sustainable development. In this context there is requirement to **1)** mitigate any development impacts and **2)** provide a high quality development which meets the three dimensions of sustainable development. The Applicants commitment to addressing these matters are addressed later below.

The Presumption in Favour of Sustainable Development

- 6.9 At the heart of the Framework is the presumption in favour of sustainable development, which should be at the heart of the plan-making and decision taking². This is the overarching consideration laid out in Government policy. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 6.10 The Framework confirms the presumption in favour of sustainable development applies when determining development proposals, including housing applications.
- 6.11 There are three dimensions to sustainable development: **economic**, **social** and **environmental**³. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.12 The consideration of whether a development proposal represents sustainable development is a question unaffected by whether it accords with policies in an up-to-date Development Plan. The determination of whether a proposal represents sustainable development is a planning judgment based upon the criteria set in the Framework.

² Framework - §10

³ Framework - §8



- 6.13 In making the planning balance the Framework does not indicate that any one element should represent a trump card⁴. However equally that does not mean that a proposal has to pass all three of the sustainability tests to be acceptable and that any of the three roles can act as a trump card against the development. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.14 It is rare for any development to have no adverse impacts and on balance many fail one of the roles. For the Framework's sustainability test to have meaning then, all of the competing considerations have to be assessed together and an overall balanced conclusion reached.
- 6.15 Whilst the starting point for decision making is the development plan, the presumption in favour of sustainable development always applies and feeds in to the planning balance. Consequently, it is necessary to consider the proposals against the three dimensions of sustainable development.

Economic Role

- 6.16 The economic role of sustainable construction contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and also by identifying and coordinating development requirements including the provisions of infrastructure. Government policy is to encourage the effective use of land by reusing land that has been previously developed.
- 6.17 It is useful to identify the economic contribution of construction in terms of both direct impacts (through developers themselves and their contractors) and well as indirect and induced impacts (from other sectors and firms that rely on development and its supply chains and spending). The benefits are broadly categorised (all are relevant) as: -
- Capital Investment and Expenditure Benefits;
 - Construction Benefits;
 - Direct Employment Benefits;
 - Indirect and Induced Employment Benefits;
 - Customer Expenditure Benefits;

⁴ Appeal Ref: APP/N1350/A/14/2217552 – Land off Sadberge Road, Middleton St George, Darlington - §70



- Public Finances;
- Local Authority Revenue Benefits;
- Local Community Benefits; and,
- Other “Softer” Benefits

6.18 When the quantitative and qualitative benefits are considered in tandem the wider economic benefits are as follows: -

Development as a Driver of Economic Growth

6.19 Improving the long-term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships.

Delivering “Real” Jobs and Economic Value

6.20 Construction is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. The construction industry provides a crucial labour market entry point for young, lower skilled workers and those moving out of unemployment.

Sector Skills and Employability

6.21 The construction industry offers a range of opportunities across different trades and skill sets from bricklaying and carpentry through to plumbing and maintenance. Apprenticeship opportunities are particularly prevalent, and have been increasing over the last few years.

Enhancing Place Competitiveness and Local Economic Development

6.22 The proposals will create competitiveness within the construction industry and it will be the intention to use local suppliers. This is considered important for an area to remain competitive and attractive to business and economic activity, which in turn will drive the economic growth the country needs.

Social Role

6.23 The social role of sustainable development supports strong, vibrant and healthy communities by providing the residential accommodation required to meet the needs of present and future generations. It will also provide a high-quality built environment, with accessible local services



that reflect the community's needs and support health, social and cultural well-being. The application proposals will result in a range of social benefits.

- 6.24 The development provides a significant benefit in contributing additional dwellings to help meet the Council's supply of market housing.
- 6.25 The proposed development will contribute towards the creation of a socially balanced, inclusive and sustainable community in this locality.
- 6.26 Open and amenity space provided through the development provides tangible opportunities for residents to undertake recreational activities, contributing to improved physical health, mental health and wellbeing. A high-quality environment also provides opportunities for social interaction between people of different communities, fostering social inclusion and community development. The single open space within the application site will be sown with wildflower meadow grass as a margin to the embankment which will be planted with a native shrub mix and groups of standard trees. The remaining area will be sown with a species rich amenity grass which can be mown regularly to create some casual amenity space for use by future residents.
- 6.27 The proposals will promote health and well-being and also provide a high standard of visual and residential amenity for future and most importantly the existing residents which is **supported** by Paragraph 127 of the Framework.
- 6.28 It is considered that there are social benefits that will be delivered, in accordance with the social dimension of sustainable development.

Environmental Role

- 6.29 The environmental dimension is concerned with protecting and enhancing our natural, built and historic environment.
- 6.30 The proposals promote the effective use of an allocated site in meeting the need for homes which is supported by Paragraph 117 of the Framework.
- 6.31 The proposals will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. This design approach is therefore supported by Paragraph 127 of the Framework.
- 6.32 Once constructed the development will be fixed in perpetuity and therefore will continue to have regard for the sensitivities of the surrounding area, existing landscape characteristics (within the application site and outside of the application site) and other visual receptors; further it will blend seamlessly with the existing neighbouring properties/land uses.



6.33 The aforementioned public open space which provides tangible 'social' benefits will be supported by the following (see bullets) each of which provide tangible environmental benefits:-

- Protection of Existing Vegetation;
- Additional Tree Planting – to break up hard lines of the buildings and create focal points within the development. The tree species selected will maximise food and nectar sources for birds and invertebrates. Trees will generally be planted as 'Heavy' and 'Selected' Standards (as per the Landscape Masterplan) to provide a good degree of instant maturity to the development.
- Shrub Planting – a mix of evergreen and deciduous shrubs will be planted in selected front garden to soften the development and to provide a valuable food source for birds and invertebrates. A mix of medium/low shrubs will be planted to shrub beds with medium to large varieties used for informal hedging.
- Hedge Planting – beech and evergreen flowering hedges will be planted to selected frontages to give structure to the application site and separate drives and parking spaces.

6.34 This planning application is supported by a documents which demonstrate in all cases that any adverse impacts can be easily mitigated for through the imposition of suitably worded conditions.

Planning Balance

6.35 At a national, strategic and local level the principle of development is clearly supported and therefore there should be presumption in favour of development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case the benefits associated with developing this allocated significant and demonstrably and outweigh any adverse impact and therefore this planning application should be approved in due course.



7.0 SUMMARY AND CONCLUSIONS

- 7.1 The Framework introduced a presumption in favour of sustainable development. The policies set out in the Framework taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to the implementation of and adherence to suitably worded planning conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the Framework) and therefore should be approved without delay.