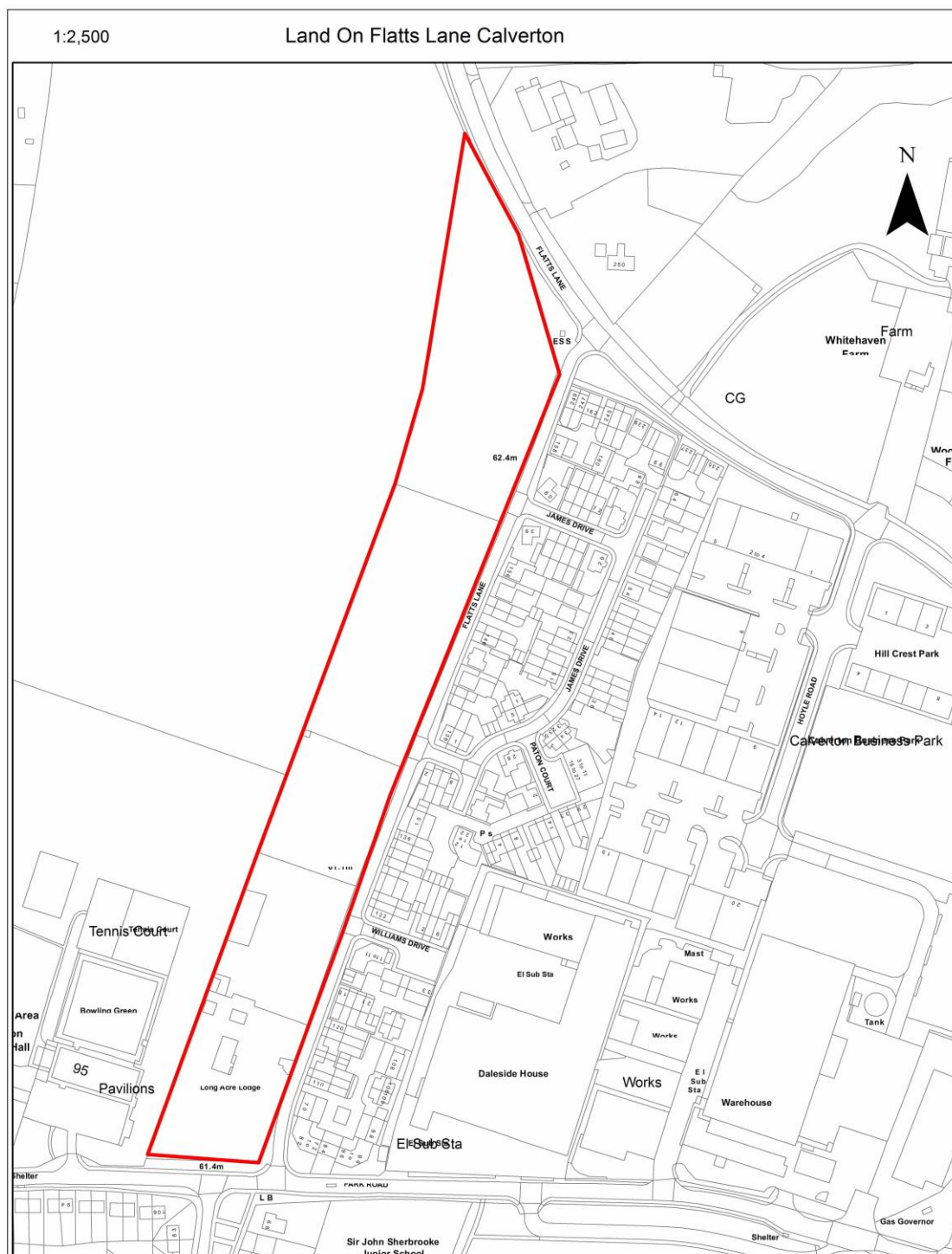




Report to Planning Committee



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	Section 52 (Flatts Lane, Calverton)
Location:	Long Acre Lodge, Flatts Lane, Calverton
Proposal:	Release the above mentioned land from a Section 52 agreement, which prevents the house and adjoining land from being sold separately.
Applicant:	Metacre Limited
Agent:	Northern Trust
Case Officer:	Nigel Bryan

The request is required to be considered by the Planning Committee as there are no powers under the constitution to allow the release of a Section 52 Agreement

1.0 Site Description

- 1.1 The site consists of an area of mostly open land which runs north from Park Road along the west side of Flatts Lane. All of the site boundaries are formed by mature hedging and vegetation. The northern, eastern and southern boundaries are shared with the public highway (Park Road and Flatts Lane) and the western boundary with open land and with Calverton Village Hall and the William Lee Memorial Park. A recent housing development is situated on the eastern side of Flatts Lane.
- 1.2 There is one residential dwelling with associated outbuildings located within the site, Long Acre Lodge. There are no significant differences in land levels across the site.
- 1.3 There are two Oak trees on the north-eastern boundary of the site that are protected by a Tree Preservation Order. There is a Scheduled Ancient Monument, (Two Roman Camps 350m North East of Lodge Farm), and a Grade II Listed Building, Lodge Farmhouse and Adjoining Stables, located approximately 200 metres to the north of the site.
- 1.4 The site area is 2.75 hectares.

2.0 Relevant Planning History

- 2.1 2018/1143 - Outline planning application (all matters reserved except for means of access) for the demolition of existing buildings and structures and

the erection of up to 84 no. dwellings and associated open space and infrastructure – the application was considered at the Planning Committee of the 17 April 2019 and Members resolved to grant planning permission, subject to conditions and the signing of a Section 106 Legal Agreement. The decision notice is yet to be issued

3.0 **Background**

3.1 Gedling Borough Council entered into a Section 52 Legal Agreement, the precursor to a Section 106 Legal Agreement, on 25 April 1983 with the then owner of the application site to restrict the sale of Long Acre Lodge from land to its immediate north. This was entered into pursuant to an application (83/0095) to remove a planning condition regarding agricultural occupation attached to planning permission S/15/980.

3.2 There is now a resolution to grant outline planning permission for the erection of some 84 dwellings on the land in question (reference 2018/1143), the application having been considered by Planning Committee on 17 April 2019.. However, through drafting the Section 106 legal agreement for that application it has been brought to the attention of the Council that the Section 52 Legal Agreement is still in force and effects the land restricting sale of the individual dwellings once the land has been developed.

3.3 The current application is to allow the release of the Section 52 Agreement.

4.0 **Consultations**

4.1 No public consultation has been undertaken on the application in that it is not a planning application and there is no statutory obligation to do so. Furthermore, there is not considered to be any wider public interest in the legal agreement, which is some 37 years old.

5.0 **Assessment of Planning Considerations**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

6.0 **Development Plan Policies**

6.1 The following policies are relevant to the application:

6.2 **National Planning Policy Framework 2019**

Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes) is particularly relevant.

6.3 **Greater Nottingham Aligned Core Strategy Part 1 Local Plan**

Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 36: Affordable Housing – sets out that a 20% affordable housing provision will be required in Calverton but that a lower requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 66: Housing Allocations– identifies the application site as housing allocation X4, for approximately 60 new dwellings.

6.5 Calverton Neighbourhood Plan

Policy G5: Housing Mix – states that development should include a mix of dwelling sizes, that planning permission will be granted for developments which provide bungalow and other types of accommodation for elderly and disabled people, that proposals for major development that do not include a mix of dwelling sizes and tenures and accommodation suitable for elderly and disabled people will be refused, that on all major development schemes, planning permission will be granted for the provision of plots for self-build subject to other policies in the development plan and that affordable housing should be designed and delivered to be indistinguishable from market housing and should be distributed throughout the development as a whole.

Policy ISF4: Infrastructure Provision – states that residential developments will be required to provide the necessary infrastructure, such as education provision, healthcare provision, open space and drainage provision.

7.0 Planning Considerations

7.1 The site is allocated as housing site X4 by Policy LPD 66 of the Local Planning Document which was adopted in July 2018. Policy LPD 66 identifies the site as providing approximately 60 dwellings.

7.2 As a result the development plan identifies that the site will have residential development on it, which is supported by the fact that the outline application

has a resolution to grant permission. Therefore, if reserved matters is granted and dwellings erected the land will be sold off to individual occupiers of the properties.

- 7.3 Therefore, whilst the Section 52 Legal Agreement would have served a purpose some 37 years ago to ensure that Long Acre Lodge and the land to its north remained in the same ownership, policies and decisions of the Council to provide housing on the land means that the Section 52 Agreement now serves no useful purpose.
- 7.4 As a result it is recommended that Section 52 Legal Agreement be released.

Recommendation: To approve the release and discharge of the Section 52 agreement through the completion of a Deed of Release between the Council and the owner.