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	DEVELOPMENT CONTROL COMMITTEE A
DATE:	WEDNESDAY, 14 OCTOBER 2020 9.30 AM
VENUE:	VIRTUAL TEAMS VIDEO MEETING

For consideration at the meeting on Wednesday, 14 OCTOBER 2020, the following additional or updated papers that were unavailable when the Agenda was printed.

TABLED PAPERS

Page(s)

- a **DC/19/01876 HEDGEROWS, GROVE LANE, ELMSWELL, BURY ST EDMUNDS, SUFFOLK IP30 9HN** 3 - 4

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Secondary submission from Elmswell Parish Council in light of the quashing of the Permission granted 5th June 2020 by Judicial Review on 10th February 2020

Elmswell Parish Council urged refusal of this application on 21.05.2019 on grounds that: *The site is in the countryside outside of the Settlement Boundary within which new development will properly take place. With regard to the strong policy imperatives aimed at protecting the existing character and appearance of the countryside, this proposal offers no justification for exceptional treatment and does not present a case for special consideration under categories identified and defined in the Local Plan, the Core Strategy or the National Planning Policy Framework.*

Parish Councillors relied upon the fact, accepted on all sides, that Mid Suffolk District Council has demonstrated a five-year supply of deliverable housing.

The Officer's Report on which the 05.06.2019 Permission was based wrongly asserts that the NPPF effectively overrides the Council's development plan policies with regard to such as;

- CS2 against development in the countryside and
- CS5 seeking to have regard for the historical landscape

whilst contending that certain of those policies maintain, and in particular CS1, being the designation of Elmswell as a Key Service Centre. The reliance on the concept of a tilted balance is, therefore, insupportable, as the development plan is clearly breached if this application succeeds.

The effect of this piecemeal approach to development plan policies is to ignore the very real factors which militate against approving this proposal.

Further, certain of these factors are dealt with in the Officer's Report making factual references which are clearly incorrect, viz:

1 The proximity of services and facilities in the village is promoted as a positive element of the site. Page 3 of the Officer's Report states that, 'The site is within 700 metres of services...' This a glaring error of fact. Grove Lane is at least half a mile from the northern tip of the Settlement Boundary at which point the nearest services are at least half a mile further distant beyond that boundary. The ensuing 1 mile, 1.6km, journey to essential facilities clearly does not represent sustainable development.

2 This error is compounded by the promotion of the proposal as meeting the housing needs of, 'older people', see para 3.4 of the Applicant's Planning Statement. The mile walk to the village facilities must be made along Grove Lane, a single-track rural byway which gives access to an industrial estate from which operate 2 large HGV operators, and then down Ashfield Road, a fast feeder road with no pavement for most of its length. The route via the right of Way is fit for ramblers. It does not represent a useable alternative to all.

3 Regardless of the demographic of the occupants of the proposed dwellings, in respect of 1 & 2 above, access to the village would, in the main, be by car. It is, therefore, factually incorrect to say that the proposals support the move to a low carbon economy which is a clear BMSDC policy objective as per the joint statement on tackling climate change of June 2020 and the aspiration of the Districts becoming carbon neutral by 2020.

4 The site is said to form part of the rear garden of the host dwelling. The 2011 Certificate of Lawful Use which removed the agricultural constraint on the host dwelling, Hedgerows, has reference to the red line plan which formed part of the CLU Application and which clearly delineates the curtilage of Hedgerows, effectively leaving this later application as being on agricultural land rather than part of a rear garden. To ignore this as an insignificant consideration is to, once again, demonstrate a careless disregard for policy and evidence allowing the generalised bluster of NPPF to override locally appropriate Plan guidance.

5 The necessary removal of the mature hedgerows from which, significantly, the host dwelling derives its name, is ignored in the Report which glosses over the historical dimension of the landscape despite lauding that same landscape as it effectively, 'protects', the development, 'from intrusion into the wider landscape'. The lack of attention in the Report to environmental impacts given the sensitivity of this site is a fatal weakness.

Elmswell Parish Council appreciates the opportunity to bring to the attention of MSDC Members the misguided and erroneous nature of much of the reasoning which guided the Officer's Decision for granting Permission. Too much weight is afforded to the broad-brush generalities of NPPF at the expense of the carefully considered locality-sensitive guidance afforded by the Development Plan.

Councillors urge that, in light of the clear breaches of the District Council's own policies and guidance, the Application is refused.

Peter Dow
Clerk to Elmswell Parish Council
9th October 2020