

# Public Document Pack



<b>DEVELOPMENT CONTROL COMMITTEE A</b>	
<b>DATE</b>	<b>Wednesday, 5 April 2017</b>
<b>PLACE</b>	<b>Council Chamber, Mid Suffolk District Council Offices, High Street, Needham Market</b>
<b>TIME</b>	<b>9.30 am</b>

**Please ask for:** Committee Services

**Direct Line:** 01449 724673

**Email:** Committees@baberghmidsuffolk.gov.uk

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

## **A G E N D A**

- |  | <u>Page(s)</u> |
|--|----------------|
| <b>1 Apologies for absence/substitutions</b>   |                |
| <b>2 To receive any declarations of pecuniary or non-pecuniary interest by Members</b>         |                |
| <b>3 Declarations of lobbying</b>  |                |
| <b>4 Declarations of personal site visits</b>  |                |
| <b>5 Confirmation of the minutes of the meeting held on 8 February 2017</b>                    | 1 - 8          |
| <b>6 To receive notification of petitions in accordance with the Council's Petition Scheme</b> |                |
| <b>7 Questions by the Public</b>   |                |

The Chairman to answer any questions from the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Committee and Sub-Committee Procedure Rule 7.

**8 Questions by Councillors**

The Chairman to answer any questions on any matter in relation to which the Council has powers or duties which affects the District and which falls within the terms of reference of the Committee, of which due notice has been given no later than midday three clear working days before the day of the meeting in accordance with Committee and Sub-Committee Procedure Rule 8.

**9 NA/08/17 Schedule of planning applications**

9 - 40

*0366/17 Land adjacent No 17, Brockford Road, Mendlesham IP14 5SG*

**10 Site Inspection**

**Note:** *Should a site inspection be required for any of the applications this will be held on Wednesday, 12 April 2017 (exact time to be given). The Committee will reconvene after the site inspection at 12:00 noon in the Council Chamber.*

***Would Members please retain the relevant papers for use at that meeting.***

**Notes:**

1. The Council has adopted a Charter on Public Speaking at Planning Committee. A link to the Charter is provided below:

<http://www.midsuffolk.gov.uk/assets/UploadsMSDC/Organisation/Democratic-Services/Constitution/Other-Links/Charter-on-Public-Speaking-at-Planning-Committee.pdf>

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

1. Ward Members attending meetings of Development Control Committees and Planning Referrals Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to his/her ward.

## **Members:**

Councillor Matthew Hicks – Chairman – Conservative and Independent Group  
Councillor Lesley Mayes – Vice Chairman – Conservative and Independent Group

Conservative and Independent Group

Councillors: Gerard Brewster  
David Burn  
Lavinia Hadingham  
Diana Kearsley  
David Whybrow

Liberal Democrat Group

Councillor: John Field

Green Group

Councillor: Anne Killett  
Sarah Mansel

## **Substitutes**

Members can select a substitute from any Member of the Council providing they have undertaken the annual planning training.

## **Ward Members**

Ward Members have the right to speak but not to vote on issues within their Wards.

## **Mid Suffolk District Council**

### **Vision**

**“We will work to ensure that the economy, environment and communities of Mid Suffolk continue to thrive and achieve their full potential.”**

### **Strategic Priorities 2016 – 2020**

#### **1. Economy and Environment**

**Lead and shape the local economy by promoting and helping to deliver sustainable economic growth which is balanced with respect for wildlife, heritage and the natural and built environment**

#### **2. Housing**

**Ensure that there are enough good quality, environmentally efficient and cost effective homes with the appropriate tenures and in the right locations**

#### **3. Strong and Healthy Communities**

**Encourage and support individuals and communities to be self-sufficient, strong, healthy and safe**

### **Strategic Outcomes**

**Housing Delivery** – More of the right type of homes, of the right tenure in the right place

**Business growth and increased productivity** – Encourage development of employment sites and other business growth, of the right type, in the right place and encourage investment in infrastructure, skills and innovation in order to increase productivity

**Community capacity building and engagement** – All communities are thriving, growing, healthy, active and self-sufficient

**An enabled and efficient organisation** – The right people, doing the right things, in the right way, at the right time, for the right reasons

**Assets and investment** – Improved achievement of strategic priorities and greater income generation through use of new and existing assets ('Profit for Purpose')

# Suffolk Local Code of Conduct

## 1. Pecuniary Interests

Does the item of Council business relate to or affect any of your/your spouse /partner's pecuniary interests?

Yes

Declare you have a pecuniary interest

Leave the room. Do not participate or vote (Unless you have a dispensation)

Breach = criminal offence

No

No interests to declare

## 2. Non-Pecuniary Interests

Does the item of Council business relate to or affect any of your non-pecuniary interests ?

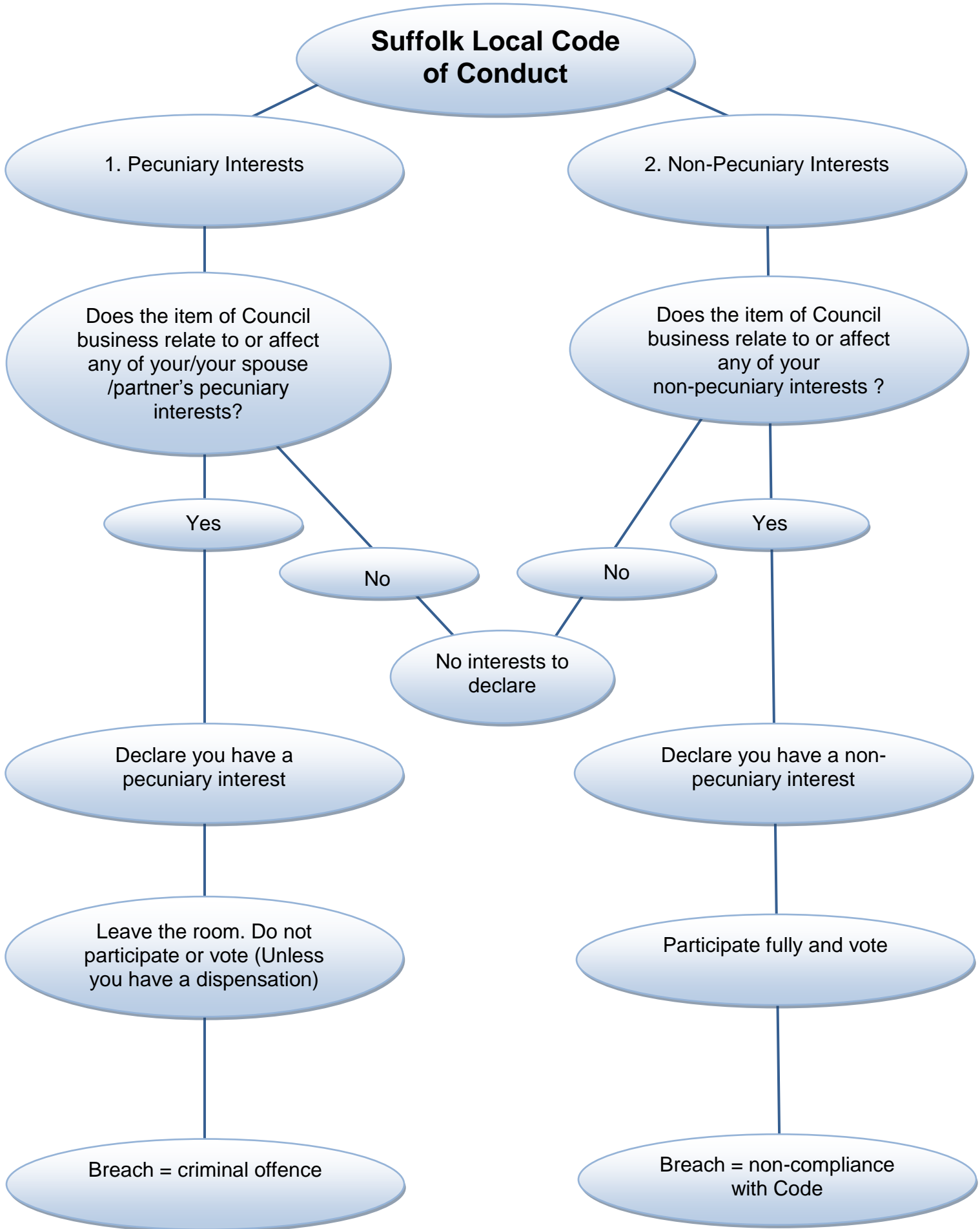
Yes

Declare you have a non-pecuniary interest

Participate fully and vote

Breach = non-compliance with Code

No



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# Agenda Item 5

**NA/07/17**

## **MID SUFFOLK DISTRICT COUNCIL**

Minutes of the **DEVELOPMENT CONTROL COMMITTEE 'A'** held at the Council Offices, Needham Market on Wednesday 8 February 2017 at 9:30am

**PRESENT:** Councillor: Matthew Hicks (Chairman)  
Roy Barker\*  
David Burn  
John Field  
Lavinia Hadingham  
Diana Kearsley  
Sarah Mansel  
John Matthissen\*  
Lesley Mayes  
David Whybrow

Denotes substitute \*

**Ward Members** Councillor: Glen Horn

**In Attendance:** Senior Development Management Planning Officer (JPG)  
Senior Planning Officer (SAS)  
Senior Planning Officer (GW)  
Planning Officer (SLB)  
Arboricultural Officer (DP)  
Heritage Enabling Officer (PH)  
Business Partner (Planning) (JH)  
Governance Support Officers (VL/HH)

### **NA139 APOLOGIES/SUBSTITUTIONS**

Councillors Roy Barker and John Matthissen were substituting for Councillors Gerard Brewster and Anne Killett respectively.

### **NA140 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **NA141 DECLARATIONS OF LOBBYING**

It was noted that Members had been lobbied on Application 4402/16.

### **NA142 DECLARATIONS OF PERSONAL SITE VISITS**

Councillor David Burn declared a personal visit to the site of Application 4656/16 and Councillor Diana Kearsley to the site of Application 4402/16.

Councillor John Matthissen advised that he had attended meetings at the Conference Centre adjacent to the site for Application 4714/16.

## NA143 MINUTES OF THE MEETING HELD ON 11 JANUARY 2017

### Report NA/04/17 Pages A to H

The Minutes of the meeting held on the 11 January 2017 were confirmed as a correct record subject to an amendment to Minute NA122 to read:

Note: Councillor Matthissen attended but for administrative reasons was unable to participate.

## NA144 MINUTES OF THE MEETING HELD ON 18 JANUARY 2017

### Report NA/05/17 Pages I to L

The Minutes of the meeting held on the 18 January 2017 were confirmed as a correct record.

## NA145 PETITIONS

None received.

## NA146 QUESTIONS BY THE PUBLIC

None received.

## NA147 QUESTIONS BY COUNCILLORS

None received.

## NA148 SCHEDULE OF PLANNING APPLICATIONS

### Report NA/06/17

In accordance with the Council's procedure for public speaking on planning applications a representation was made as detailed below:

<u>Planning Application Number</u>	<u>Representations from</u>
4656/16	Phil Cobbold (Agent)
4402/16	Phil Cobbold (Agent)

#### Item 1

Application Number: **4656/16**  
Proposal: Use of land for stationing of 31 holidays homes and relocation of site office.  
Site Location: **BROME & OAKLEY** – Four Oaks Caravan Park.  
Applicant: Mr B Gregory

Members were advised that an amended recommendation was contained in the supplementary papers.



Phill Cobbold, Agent, advised that the additional holiday homes would be sited on the existing touring pitches and site office area. Touring caravans/tents would no longer be able to use the site. The existing '28 day rule' for occupancy had been considered unreasonable at appeal and the proposed occupancy condition reflected the wording commonly used for holiday units across the country. It was also much easier to enforce.

Councillor David Burn, Ward Member, advised that he had received no comments from local residents. The site was tidy and well managed and he supported the application.

Members considered the proposal satisfactory and Councillor David Whybrow proposed the motion which was seconded by Councillor Sarah Mansel.

By an unanimous vote

**Decision – That Planning Permission be granted subject to conditions including:**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
2. Approved Drawings Condition
3. The holiday units (up to 31 no. hereby approved) shall meet the definition of a caravan as set out within the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968 (as amended), or any such legislation that may amend or replace them.
4. The holiday units (up to 31 no. hereby approved) shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence. The holiday units shall not be occupied during the month of February each year. The owners/operators shall maintain an up-to-date register of all owners/occupiers of individual holiday units on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.
5. The mobile home sited at the roadside entrance into the site described on the approved drawings as "Site Manager's Accommodation" shall be occupied solely by a person employed in the management of the Four Oaks Caravan Park to which this permission relates.
6. Other than lighting already approved prior to the permission hereby granted, Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved.

7. Those previously approved and installed 'Schwegler Bat Roosting Boxes', as identified on Drawing no. 16/1268/002A, shall be maintained throughout the lifetime of the development.
8. No vehicle exceeding 3.5 tonnes gross laden weight shall be parked within the site to which this approval relates.
9. Access to the approved development shall only be provided by the existing main access in the south east corner of the overall site as identified on Drawing no. 16/1268/002A and furthermore the access identified on this drawing as 'Driveway for emergency access only' shall only be used for this purpose and in this connection, the existing associated secure gates also indicated on Drawing no. 16/1268/002A shall remain locked (except in the event of an emergency).

## Item 2

Application Number: **4714/16**  
Proposal: Variation of Condition 2 and 14  
Site Location: **THORNDON** – Kerrison Conference and Training Centre.  
Applicant: Witnessham Ventures Ltd.

Councillor Glen Horn, Ward Member, advised that the parish, who had supported the application from the start, was keen for the site to be brought forward. The parish was also very supportive of the work done by Officers to ensure the agreed Section 106 monies aligned with the CIL payment now agreed.

The Officers were thanked for securing this funding by Councillor David Whybrow, who proposed the motion which was seconded by Councillor John Matthissen.

By an unanimous vote

**Decision - Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager – Development Management to secure**

- Affordable housing contribution
- Estate management

**That the Professional Lead - Growth and Sustainable Planning be authorised to grant the variation of conditions 2 and 14, subject to conditions including**

- Standard time limit;
- Approved plans;
- Tree protection plan and method statement;
- Assessment and mitigation of activities around retained trees;
- Engineering and construction methods for any works; required within Root Protection Areas;
- Auditable system of arboriculture site monitoring;
- Hard and soft landscaping;

- Demolition carried out in full prior to first occupation;
- Land contamination;
- Biodiversity enhancement measures;
- Carrying capacity of pumping/high reach appliances;
- Vehicular access surfaced prior to first occupation;
- Means to prevent the discharge of surface water; from the development onto the highway;
- Construction of carriageways and footways;
- Provision of parking and manoeuvring areas;
- Cycle parking and storage;
- Removal of permitted development rights Schedule 2 Part 1 Class A, B, C, D, E and G;
- Construction management to include demolition; management and construction working hours;
- Provision of walls and fences prior to first occupation and subsequently retained;
- Materials to include road surfaces;
- Details lighting column and bollards;
- Foul and surface water drainage.

**That, in the event of the Planning Obligation referred to above not being secured the Corporate Manager - Development Management be authorised to refuse planning permission, for reason(s) including:-**

- Inadequate provision/contribution towards infrastructure and management contrary to policy CS6 of the Core Strategy 2008 without the requisite S106 obligation being in place.

### Item 3

Application Number: **4402/16**  
 Proposal: Erection of detached single storey dwelling with detached garage utilising existing vehicular access  
 Site Location: **GISLINGHAM** – The Little House, High Street, IP23 8JG  
 Applicant: Burgess Homes Ltd.

The planning officer advised Members of the following changes:

- Page 45, under the heading *Conclusion*, reference to policy HB8 to be deleted as this was not relevant
- Page 46, Section 2, reference to policy HB8 to be deleted as this was not relevant

Phil Cobbold, the Agent, said that the protected trees would not be lost and any future pruning would have to be by application to the Council. The proposed dwelling was sensitively designed to give the appearance of an outbuilding and was situated to the rear of and subservient to the cottage. The Old Rectory was approximately 70 metres from the proposed dwelling, and there was no adverse impact on its setting. He also pointed to other dwellings built in the village within the curtilage of listed buildings and also backland development.

Councillor Diana Kearsley, Ward Member, repeated the concerns for the protected trees and the impact on the listed buildings from the proposed development. She also had concerns with regards to the shared drive and the limited visibility on the bend.

The Arboricultural Officer responded to Member's questions regarding the impact of the proposed dwelling on the protected trees.

During the debate Members raised question regarding the footprint of the proposed dwelling and generally agreed that this would be overdevelopment of the site. It was felt that the proposed site of the dwelling would restrict the growth of the protected trees leading to repeated requests to lop and shape them preventing them from growing to their full potential. There would also be an adverse impact on the adjacent listed buildings.

It was generally felt that the proposal was unacceptable in its current format.

Councillor David Whybrow proposed the motion which was seconded by Councillor Roy Barker.

By 7 votes to 2

**Decision – That Full Planning Permission be refused for the following reasons:**

1. The proposed dwelling would be positioned in close proximity to an Oak tree (T9) and an Ash tree (TB) at the rear of the plot which are protected by a Tree Preservation Order (No. MS 283). Whilst the accompanying arboricultural report identifies measures to help lessen direct impact upon the trees the Local Planning Authority is not satisfied that it adequately addresses their above ground attributes which will have an adverse impact on living conditions and usability of the garden. Furthermore, the Oak tree (T9) has a low broad spreading crown and will not have adequate space for future growth without significant pruning. Accordingly, it is considered that the layout design of this proposal does not provide suitable integration of new development with the natural environment and is likely to result in pressure to fell or ongoing pruning. Such requests will be difficult for the Council to resist and would threaten the value of the trees and consequently the character and appearance of the local area. Consequently it is considered that the proposal does not relate well or secure the protection of these important natural features. The proposal is contrary to policies GP1 and H13 of the Mid Suffolk Local Plan 1998, policy CS5 of the Core Strategy and paragraphs 56-66 of the National Planning Policy framework
2. The proposal would result in harm to the character, setting and significance of the Grade II listed properties Little House and Suryodaya by eroding the existing openness currently afforded to their setting, without providing any significant public benefit. This identified harm is not outweighed by any public benefit that would be achieved should the proposed development be granted.

The proposal is therefore contrary to Chapter 12 of the National Planning Policy Framework (2012), and Policies HB1 and HB8 of the Mid Suffolk Local Plan (September 1998), and Policy CSS of the Mid Suffolk Core Strategy (September 2008).

The business of the meeting was concluded at 11.10 a.m.

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Chairman

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# Agenda Item 9

**NA/08/17**

**MID SUFFOLK DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE A MEETING**

**5 APRIL 2017**

**SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Item	Ref No.	Location And Proposal	Ward Member	Officer	Page No.
1.	0366/17	<b><u>Land adjacent No 17, Brockford Road, Mendlesham IP14 5SG</u></b>  Outline planning permission sought for the erection of two detached dwellings.	Cllr Andrew Stringer	SS	11-40

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## **Committee Report**

**Committee Date: 05 April 2017**

**Item No: 1**

**Reference: 0366/17**

**Case Officer: Steven Stroud**

**Senior Planning Officer**

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**Description of Development:** Outline planning permission sought for the erection of two detached dwellings.

**Location:** Land adjacent No17, Brockford Road, Mendlesham IP14 5SG

**Parish:** Mendlesham

**Ward:** Mendlesham

**Ward Member:** Councillor Andrew Stringer

**Site Area:** 0.2

**Conservation Area:** No

**Listed Building:** None

**Received:** 27/01/2017

**Expiry Date:** 25/03/2017

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**Application Type:** Outline Planning Permission

**Development Type:** Dwellings - Residential

**Environmental Impact Assessment:** Not required

**Applicant:** Honeycroft Properties

**Agent:** Philip Cobbold Planning Ltd

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

List of applications supporting documents and reports:

Location Plan;

Layout Plan;

Planning Statement;

Land Contamination Questionnaire and Report.

The application, plans and documents submitted by the Applicant can be viewed online. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

## **SUMMARY**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework (NPPF) and all other material considerations. The officers recommend approval.

Given the Council's present 'land supply' of deliverable housing sites, the NPPF requires that the presumption in favour of sustainable development be followed. For decision-taking, and in reference to this proposal, this means granting planning permission as there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF as a whole.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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1. The application is referred to committee for the following reason/s:

Councillor Stringer, a Member of the Council, has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council. The Member's reasoning is included in the agenda bundle.

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## **PART TWO – APPLICATION BACKGROUND**

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This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

### **History**

2. No planning history is considered relevant to the determination of this application.

### **Details of Previous Committee / Resolutions**

3. None

### **Details of Member site visit**

4. None

### **Details of any Pre Application Advice**

5. None

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **Consultations**

6.

Summary of Consultations:

#### **Mendlesham Parish Council**

Object; for reasons including:

- Outside of settlement boundary;
- Harm to setting of church;
- Impact on VIOS;
- Harm to visual approach to village;
- Highways concerns.

#### **Local Highway Authority**

No objection.

#### **Environmental Protection**

No objection.

### **Representations**

7.

Those representations received (all in support of this proposal) are summarised as follows:

- A 'breath of fresh air' to see bungalows.
- Well-located.
- Makes good use of overgrown and unsightly land.
- A well-designed scheme would improve the approach to the village.
- Provided the design is sympathetic then it is about time something was done with the land.

A late representation from the Suffolk Preservation Society has been received, this objection being summarised as follows:

- Development Plan policies, including those within the Mendlesham NP should be afforded due weighting.
- Concern in respect of VIOS impacts; if the Council is minded to approve then homes should be 'affordable', and well-designed to minimise impact on the VIOS.

All responses have been noted and taken into account when reaching the recommendation for Members.

## **The Site and Surroundings**

8.

The application site comprises 0.2Ha of greenfield, 'amenity' land to the west of 17 Brockford road and abutting the northern edge of the highway. Open land is adjacent to the north and west. The site is presently overgrown with hedging along its frontage to Brockford Road.

The site is within, however on the south-eastern corner of, a designated Visually Important Open Space (VIOS). No other land constraints or designations apply to the site itself.

## **The Proposal**

Please note details of the proposed development including plans and application documents can be found online.

9.

The applicant seeks permission in outline for the erection of two detached dwellings. With the exception of access, all matters (i.e. scale, layout, appearance and landscaping) are reserved.

Nevertheless indicative drawings have been provided which show two single-storey dwellings served by a single access. Where all matters save for access are reserved, the Local Planning Authority is, in general terms, tasked with considering the acceptability of that access and the principle of the development applied for in this location.

## **NATIONAL PLANNING POLICY FRAMEWORK**

10.

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Where the development before Members directly affects the Mendlesham Neighbourhood Plan and concerns the lack of a five-year land supply, paragraphs 14, 49 183-185 and 198 of the NPPF are of key relevance.

## **CORE STRATEGY**

11.

The key policies are as follows:

- **Cor1** - CS1 Settlement Hierarchy
- **Cor2** - CS2 Development in the Countryside & Countryside Villages
- **Cor5** - CS5 Mid Suffolks Environment
- **Cor3** - CS3 Reduce Contributions to Climate Change
- **Cor4** - CS4 Adapting to Climate Change

- **Cor6** - CS6 Services and Infrastructure
- **Cor8** - CS8 Provision and Distribution of Housing
- **Cor9** - CS9 Density and Mix
- **CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- **CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
- **CSFR-FC2** - PROVISION AND DISTRIBUTION OF HOUSING

## **NEIGHBOURHOOD PLAN**

12.

The Mendlesham Neighbourhood Plan (MNP) was adopted on 22<sup>nd</sup> March 2017 and now forms part of the development plan framework for the District. Of key relevance to this outline proposal are policies:

- MP1
- MP10

## **SAVED POLICIES IN THE LOCAL PLAN**

13. The key policy for this outline application is:

- **GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- **HB1** - HERITAGE

## **Main Considerations**

14.

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

The following are identified as the main considerations in assessing this application:

## **The Principle Of Development**

15.

### **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be made in accordance with the development plan unless material considerations indicate otherwise. Whilst s38(6) presents a focus for the decision-taker to use the development plan as the starting point in the decision-taking process, it does not necessarily lend any systematic primacy to its application; it is then stressed that the development plan, where relevant and applicable, be followed *unless* material considerations indicate otherwise which might include, as an example, the National Planning Policy Framework (NPPF).

The NPPF contains the Government's planning policies for England and sets out how these are expected to be applied. It states, and this is supported by the national Planning Practice Guidance (PPG), that the policies contained therein are a material consideration and should be taken into account for decision-taking purposes.

Paragraph 7 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development.

Paragraph 197 of the NPPF states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development, which should be seen as a golden thread that runs through the planning system.

Paragraph 14 specifically sets out the tests or direction for applying the presumption in favour of sustainable development, and can be viewed as the lynchpin of the NPPF. Where the second bullet-point under that paragraph applies, because a development plan is absent, silent or relevant policies are out-of-date: *"...the proposal under scrutiny will be sustainable development, and therefore should be approved, unless any adverse impacts significantly and demonstrably outweigh the benefits"* (see *CEBC vs SSCLG [2016] EWHC 571 (Admin)*). Specifically, *"another way of putting the matter is that the scales, or the balance, is weighted, loaded or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts"* (*ibid.*). This is a fixed algorithm that decision-takers are expected to follow in respect of applying the 'presumption'.

Paragraph 49 of the NPPF specifically signposts paragraph 14 in stating that housing applications should be considered in the context of the presumption in favour of sustainable development and that policies for the supply of housing should be considered out of date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The Mid Suffolk District Council cannot presently demonstrate such a supply and therefore its policies for the supply of housing are out of date; the planning balance under paragraph 14 is therefore engaged, subject to the due weighting of policies within the development plan.

#### The Development Plan, including the Mendlesham Neighbourhood Plan

The Mendlesham Neighbourhood Plan (MNP) was made (adopted) on 23<sup>rd</sup> March 2017 and now forms part of the development plan framework for the District. It is therefore one of the main considerations in determining any planning applications submitted in Mendlesham, unless material considerations indicate otherwise.

Nonetheless any policies within the Mendlesham Neighbourhood Plan relevant to the supply of housing must also be considered out of date, subject to due weighting. Your Officers acknowledge the tension in suggesting that policies within a freshly adopted Plan can be immediately 'out of date', yet this is the direction of the NPPF.

This point is reinforced by the PPG, which provides up-to-date direction on the proper interpretation and application of national planning policy. In relation to the weighting to be applied to policies within a neighbourhood plan relevant to the supply of housing where a Council cannot demonstrate that it has a 5-year land supply, para. 83 states the following:

*“In such instances paragraph 49 of the Framework is clear that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.*

.....

*In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.*

*This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.”*

In the same way that a development that conflicts with the development plan should be refused, the same is the case for a made neighbourhood plan, especially as such a plan reflects a recently tested, locally driven and democratically approved vision for sustainable development in the area. This is the case until material considerations such as the lack of a five-year land supply and the presumption in favour of sustainable development set out under para. 14 of the NPPF indicate otherwise.

Rather than concern oneself with the connotations or semantics of what ‘out of date’ means, when considering the long and democratic process that has enabled the MNP to come forward it is proper to consider the *consequence* of this statement i.e. that the decision-taker is directed to following the ‘tilted balance’; that planning permission be granted in these circumstances unless adverse impacts significantly and demonstrably outweigh the benefits when framed against the policies within the NPPF as a whole (and unless specific policies within the Framework indicate otherwise – which is not considered to apply in this instance).

Comments have pointed towards a Written Ministerial Statement (WMS) of December 2016 which seeks to redress this apparent unfairness. However, its terms are quite clear: Neighbourhood Plan policies for housing can *only* be considered up to date where such a plan is freshly adopted; the Council can demonstrate a 3-year land supply, and; that it has allocated sites for housing within its Plan. Whilst the first two conditions are satisfied, the MNP has failed to allocate any sites. It is of course noted that two ‘Major’ planning applications presently affect Mendlesham; however, this cannot displace the clear direction of the NPPF which affects the development plan, and the District as a whole. Your Officers have given an appropriate weighting to this clear and well-rehearsed material planning consideration.

In any event, should Members elect to follow the MNP contra to the above, they are advised of the following when considering the principle of development in this location (notwithstanding any other site designations or constraints):

Policy MP1 relates to the principle of new housing within the Parish and differentiates between sites that are either within, adjacent to, or outside of (and not adjacent to) the village boundary. In the interests of certainty, it would perhaps have been ideal to use the term ‘abutting’ rather than ‘adjacent to’ as the latter requires a subjective assessment as to what extent a site is *adjacent* to the village boundary. As a ‘worst case’ scenario, the application site is considered to be outside of, and *not* adjacent to, the village boundary. The Policy then states the following:

*“Small scale development of sites that are not within or adjacent to the existing Mendlesham village boundary will be supported where they properly satisfy sustainability criteria listed in paragraph 3.25 of this plan.”*

The relevant ‘sustainability criteria’ affecting the principle of development (being that this is an Outline application) is set out as follows:

- having regard to paragraph 55 in the National Planning Policy Framework for the location of new housing;
- carefully siting new dwellings to provide their residents with easy access to local public transport facilities;
- easy access to local services (particularly health and education), preferably that can be achieved on foot.

Regardless of the weight to be applied to this policy, this development is patently consistent with the core planning principles of the NPPF. Therefore, whichever ‘route’ the decision-taker adopts in reaching a decision as to the acceptability of the principle of development in a location such as this, an appraisal as to the locational ‘sustainability’ or connectivity of the site and delivery of housing must be undertaken.

### **Connectivity and Sustainability of New Housing**

16.

Paragraph 55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances; no special circumstances are necessary unless a home is to be isolated.

The NPPF does not define the term ‘isolated’ and neither does the development plan. Taking its ordinary meaning, it is considered reasonable for the following definition to be applicable, as taken from the Oxford English Dictionary: *“Placed or standing apart or alone; detached or separate from other things or persons; unconnected with anything else; solitary.”*

The PPG states that: *“all settlements can play a role in delivering sustainable development in rural areas - and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided”*. This is consistent with paragraph 55 of the NPPF which places an emphasis on the vitality of settlements.

A new development outside of a settlement can still be ‘sustainable’ on the assumption that the future residents will support surrounding services and facilities. This interpretation is supported elsewhere within the NPPF where - at paragraph 29 - it is acknowledged that opportunities to maximise sustainable transport solutions will diminish when moving from urbanised to rural areas, and therefore the social and economic drivers of sustainability must also be considered. This report will now consider the impact, in principle, of the development in respect of the dimensions of sustainability.

### **Social and Economic Dimension**

The inherent social benefits presented in contributing to the vitality of a community aside (see para. 55, NPPF), paragraph 19 of the NPPF also requires decision-takers to attach *“significant weight...on the need to support economic growth through the planning system”*.



Recent planning appeal decisions – a material planning consideration - reiterate this position:

*“The Secretary of State attaches significant weight to the need to support economic growth through the planning system...and he also considers that the provision of housing is itself a contributor to economic growth.”*

And in relation to construction activity:

*“When assessed against the policies in the NPPF taken as a whole, factors such as additional affordable housing, and economic benefits, both in the construction phase and in the local economy in the longer term, must also be weighed in the overall balance.”*

Therefore, in addition to the support of local services the actual build process of a development offers tangible benefits, where for example every £1 spent equates to £2.84 in the wider economy.

Further, in terms of the social and economic dimensions, a new dwelling could feasibly offer the following:

- opportunities for small and medium-sized companies to enter or remain a viable part of the development market, helping to promote competition and quality of build;
- 2 no. homes;
- Single-storey homes to meet a key demographic or local need;
- support for local jobs and sustaining local growth given the use of local services and facilities, and;
- effective use of developable and available land.

Whilst some of the above bullet-points are likely only to present short to medium-term gains, there is nonetheless no reason to consider that a proposal for a new home [in a location such as this site] would be harmful in respect of the economy or the social dimension of sustainability and would indeed present moderate benefits; where the NPPF presents a duty to significantly boost housing supply, the contribution of a single, new home is still of significance.

### Environmental Dimension

The application site is directly west and north-west of a number of extant dwellings. It is also 100m to the east of the physical limits of the Mendlesham village boundary. It cannot reasonably be said, in any sense, that the site is physically isolated.

In functional terms Mendlesham is a highly-sustainable settlement being identified as a Key Service Centre and offering a significant and diverse range of facilities and services, including a well-serviced bus route provision.

The centre of the village is of a distance from the application site that would not readily preclude pedestrian or cycle use, notwithstanding that the NPPF is clear in advising that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

However, whilst no footway/pavement provision presently serves the application site, this situation is not dissimilar from those other dwellings adjacent. Nonetheless the distance necessary to traverse without the benefit of a defined pavement is minor. It cannot then be argued that the connectivity of the application site would preclude or discourage future residents from utilising sustainable patterns of travel, even in inclement weather.

In environmental terms, the location of the development is therefore considered favourably in supporting the principle of development.

### Conclusion

The application site is not physically or functionally isolated and two new dwellings in this location would help to maintain, in a modest sense, the vitality of the community that would host them. It is considered that the principle of development in this location is therefore acceptable in planning terms, now subject to an assessment against other relevant considerations.

### Landscape Impact (VIOS)

17.

Policy MP10 of the MNP has reiterated the terms of Policy SB3 of the Mid Suffolk Local Plan in highlighting the importance of Visually Important Open Spaces (VIOS) and the need to protect them. For clarity the relevant text of this policy is copied below:

*“Within or abutting settlement boundaries, visually important open spaces will be protected because of their contribution to the character or appearance of their surroundings and their amenity value to the local community.*

*Where appropriate, development proposals must address the effect they will have on any local identified visually important open spaces and any effect on views of the conservation area and demonstrate that they will not significantly affect the views of these spaces.”*

The supporting text to that Policy identifies the importance of document SD19 (Landscape and Visual Assessment of Mendlesham) in understanding this *“...and shows the principal views of importance around Mendlesham village and their visual and amenity value.”*

Policy MP10 is not a negatively-worded policy and does not explicitly require ‘exceptional circumstances’ to be satisfied in allowing development within a VIOS. Rather, it underlines the need to, alongside supporting evidence such as SD19, consider carefully the contribution that the space (or the application site within such a space) makes, and the likely negative or significant effects consequent to the impacts of development occurring therein.

This policy is broadly consistent with the core principles of the NPPF, which seeks to secure good design and the preservation of the intrinsic beauty of the countryside. Clearly, such a policy is capable of being afforded a strong weighting by a decision-taker, and rightly so.

It must be stressed to Members that the NPPF and the development plan present a definition of sustainability that encompasses a wide-range of competing *desiderata*, of which there are three dimensions; social, economic, and environmental. One such desire and aspiration is to significantly boost housing supply, and this must be weighed carefully against any other considerations that might pull the decision-taker in different directions.

Hence, where a Council cannot demonstrate that has a five-year land supply of deliverable housing sites, its relevant policies for the supply of housing must be considered out of date, as noted in the preceding section of this report. Therefore, the presumption is to grant permission unless any adverse impacts significantly and demonstrably indicate otherwise.

The Court of Appeal has determined that the definition for ‘relevant policies’ must be cast

widely to the effect that this would include policies such as MP10 that might otherwise inhibit growth (*Suffolk Coastal District Council v Hopkins Homes - [2016] EWCA Civ 168*). This does not mean that the policy cannot carry a strong weighting, only that it must be considered within the context of the 'tilted balance' required under para. 14 of the NPPF. Policy MP10 serves a useful purpose that is consistent with the NPPF and so notwithstanding the 5-year land supply situation it still warrants due weighting, and in accordance with paras. 183-185 of the NPPF reflects the aspirations of the local community.

Being the case, an application of Policy MP10 now follows.

An appraisal of SD19 indicates that the application site does **not** fall within any key vistas that affect the village. Nor does it fall within acknowledged vistas identified within the Mendlesham Conservation Area Appraisal.

Views from the east are disrupted by a large two-storey garage that would generally mask a well-designed and small-scale development on this site. Further, the site at its western edge is some c.75m east of the built-up boundary of the village, at a junction which is evidently a very important visual node. Through high-quality landscaping and an appropriate design, this open area would remain unchallenged. The site itself is on the SE periphery of the VIOS and, whilst development would be sited within it, it is not considered to unduly diminish the overall contribution made by this wider space, which is clearly important.

Members are reminded that this is an Outline application, with matters relating to scale, layout, appearance, and landscaping reserved for a later application. Your Officer nevertheless contends that having regard for the specific characteristics of the site the principle of a dwelling on the site would not undermine the character, appearance or role of the countryside or the VIOS.

The development is therefore considered favourably in respect of landscape impact and, even if the notion developing a small portion of the VIOS is challenged on principle alone, it must still be weighed within the 'tilted balance' necessitated by the fact the Council cannot demonstrate that it has a five-year land supply; the adverse impacts, if any, of developing this site do not significantly and demonstrably outweigh the benefits previously identified.

### **Heritage**

18.

With reference to the overall treatment of the submitted application, the Council embraces its statutory duties and responsibilities, notably; Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have "*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*"; and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to pay "*special attention...to the desirability of preserving or enhancing the character or appearance of that [conservation] area.*"

Policies FC1 and HB1 of the Mid Suffolk development plan seek inter alia the preservation or enhancement of the historic environment. In accordance with the NPPF due weight must be given to the policies contained within the development plan according to their degree of consistency with the NPPF. The aforementioned policies are considered to be consistent with the NPPF and so are afforded a strong weighting.

In this instance the development would and could (given it is in Outline form) be suitably

demarcated from the historic environment by virtue of proximity, scale, layout, form and detailed design for there to be no undue impacts.

There is to some extent a visual relationship between the application site and the Conservation Area and listed church to the north/northwest, however the contribution that the application site makes to the setting of such features is debateable given the presence of other adjacent dwellings and suburban features. Subsequently a residential development of the application site would be read within this context. Given the modest scale of the proposal (and it is advised that the single-storey nature of the dwellings be secured by condition), the development is not considered to present 'harm' within the meaning provided by Historic England and expanded by the NPPF.

A positive recommendation in relation to heritage impacts can therefore be made having had regard to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities.

### **Site Access, Parking And Highway Safety Considerations**

19.

Layout is a reserved matter however the indicative layout shows that there would be an adequate quantum of space for the parking and turning of vehicles. The access is also considered favourably in its presentation and relationship with Brockford Road.

Accordingly the local highway authority has raised no objection and the development is considered as acceptable in this regard, subject to standard planning conditions.

### **Design And Layout Including Residential Amenity**

20.

The application is submitted in Outline with all matters save for access being reserved. There is however no reason to believe that an acceptable scheme cannot be presented later given the size of the site and its location and relationship with the street scene and neighbouring properties.

### **Biodiversity And Protected Species**

21.

In assessing this application due regard has been given to *inter alia* the provisions of the Natural Environment and Rural Communities Act 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations 2010, Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended) in relation to protected species however the proposal raises no issues of significance.

### **Flood Risk**

22.

Adaption to, and resilience against, climate change is a key consideration of sustainable development in the NPPF. This is echoed in the Core Strategy and associated Focused Review, which states that development should be designed to a high standard in such

regard.

A key issue when considering 'resilience' is whether the development has been designed to adapt to issues presented by climate change, such as an increased risk of flooding from heavy rain. In this instance the application site wholly falls within flood zone 1 which has a very low (i.e. 0.1% annually) probability of flooding. Nevertheless, a condition securing mitigation measures to secure against future events is recommended.

### **Planning Obligations / CIL**

23.

If Members are minded to grant planning permission, the development will be assessed for any CIL liability shortly after the date of decision.

In accordance with the national PPG there are specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13th May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014 and should be taken into account.

With reference to this application, the specific circumstance is that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm.

Therefore Members are advised that the Council should not seek planning contributions in relation to public open space or affordable housing for this application.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

24.

At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which 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, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.

When taken as a whole, and as a matter of planning judgment, the proposal is considered to represent a sustainable form of development, where there exists a presumption in favour of such development.

The presumption in favour of sustainable development is further reinforced by advice relating to decision taking in the NPPF. Paragraph 186 of the Framework requires local planning authorities to "*approach decision taking in a positive way to foster the delivery of sustainable development*". Paragraph 187 states that local planning authorities "*should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible*".

It is considered that the proposal is therefore acceptable in planning terms and that there

are no material considerations which would give rise to unacceptable harm.

**Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.**

25.

When determining planning applications, the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to explain how in dealing with the application they have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In this case it was not necessary to work with the applicant in this regard and the Local Planning Authority was able to reach a decision having had regard for all material planning considerations and statutory duties.

**Identification of any Legal Implications of the decision**

26.

The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Crime and Disorder Act 1998

**RECOMMENDATION**

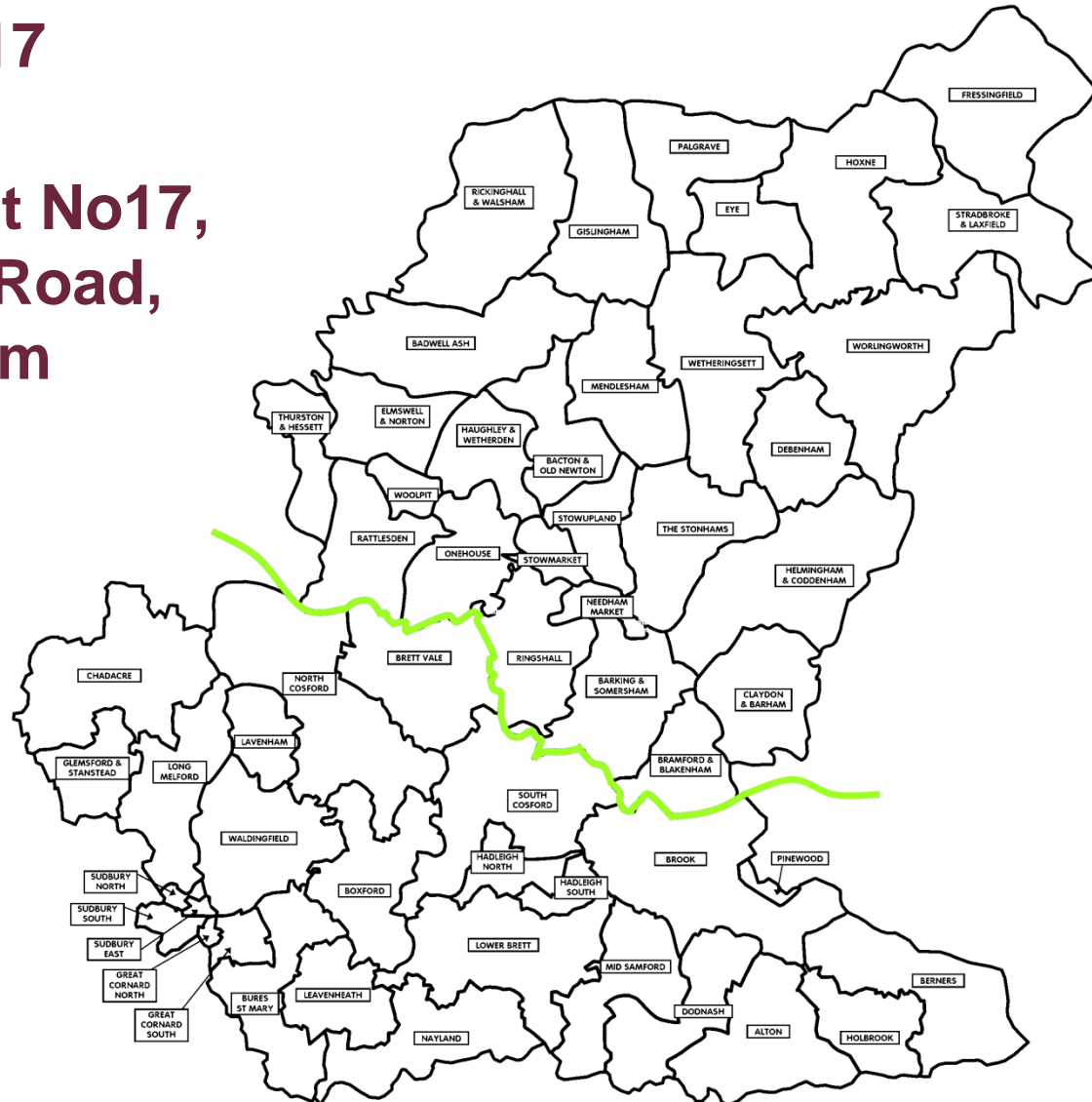
That authority be delegated to Professional Lead - Growth & Sustainable Planning to grant planning permission subject to conditions, including:

- 1) Standard time limit/reserved matters conditions.
- 2) Dwellings to be single-storey
- 3) Detailed hard/soft landscaping details required with reserved matters.
- 4) Levels required with reserved matters.
- 5) External facing materials details required with reserved matters.
- 6) As required by LHA.

**Application No: 0366/17**

**Address: Land adjacent No17,  
Brockford Road,  
Mendlesham  
IP14 5SG**

Page 25





ERECTION OF TWO DETACHED DWELLINGS, LAND AT BROCKFORD ROAD, MENDELSHAM  
Location Plan Scale 1:1250 @ A3





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**Mendlesham Parish Council**

**Planning consultee response**

**Application no 0366/17**

**Proposal: Outline planning permission sought for the erection of two detached dwellings**

**Location: Land adjacent to No15 Brockford Road, Mendlesham**

Mendlesham Parish Council recommends refusal of this application for the following reasons/concerns.

**Location:**

This proposal is outside the settlement boundary of the village and part of a longstanding visually important open space (MSDC Local Plan 1998, confirmed again as part of the Mendlesham Neighbourhood Plan which at the time of writing is reaching the final stage, with a referendum to be held 2<sup>nd</sup> March). Our Neighbourhood Plan has to be given considerable weighting if not full consideration when making the decision for this application.

MSDC Local Plan 1998 policy SB3, NNPF no 76 and Mendlesham Neighbourhood Plan policy MP9 and MP10 confirms that no development on this site should be permitted purely as a designated visually important open space. MSDC Local Plan 1998 policy GP 1 also documents the importance of "buildings ....with attention to boundaries, particularly the edge of settlement". These new substantial properties adjacent to the remainder of a visually open space and ex Council houses will detract from our boundaries not improve it.

The open space also provides an importance gateway to the village leading into the conservation area and the feeling of space and views linking the village and church (Mendlesham NP paragraph 6.8 p 55) with the adjoining open countryside. See attached photos.

The development would represent further erosion to the rural approach to the village and contribute to the ribbon development along Brockford Road.

The "rural feel" is extremely important to our residents and visitors as evidenced in our Neighbourhood Plan.

**Importance as setting for St Mary's Church, Mendlesham:**

This land is also part of the green field open space setting for the most important historical asset in the Parish. St Marys is Grade one listed and development on this land, either the two proposed houses or any more that are likely to follow behind the two houses proposed would have a major adverse impact on the setting of the church building itself. This application does not provide the exceptional reasons for why this should happen. NNPF 132/133 and Mendlesham Neighbourhood Plan MP5 confirms that no development on this site should be permitted.

**Growth of Mendlesham Village:**

As soon as our Neighbourhood Plan becomes a legal document, we question the need for MSDC to have a five year housing supply as applicable to the Parish of Mendlesham as MSDC already has a 3.7 year supply and a three year supply is all that is required? This is further to the Ministerial Statement December 2016 regarding housing pipelines those with a Neighbourhood Plan. Our Neighbourhood Plan does not allocate sites which were part of the statement, so further clarification on this would be most appreciated.

The provision of two new dwellings to the rural village of Mendlesham with approximately 500 properties which already has a further 95 either in the planning pipeline as confirmed, recently built or in the process of building, covering some four building sites, all of which join the village and have footpath access is not sustainable or required. There are only so many building sites or additional dwellings a small rural village can cope with at any one time! These are not affordable properties and there are no exceptional circumstances as to why they should be built.

Our Neighbourhood Plan estimated a growth of a minimum 75 homes over the next 15 years and our school is already full in some years. We appreciate 75 or even 95 provide no reason to decline further applications, but this is all in a year not a 15 year period.

As a Community we are not resistant to growth, indeed we believe we have acted responsibly to encourage the correct type of growth. This application is just not in the correct place and would have such an adverse impact.

**Precedent of planning application 3084/16.**

Whilst Mendlesham Parish Council recommended refusal for this application for reasons that we would still support, we understand one of the reasons for approving this application was largely on the basis that it was a brownfield site ( Dartford Borough Council v SSCLG 2016) . This application is green field.

**Highway:**

We are concerned that this development would mean another entrance to the Brockford Road, extremely close to what is already a sharp bend.

**Agent comments:**

There are errors in this application, including the legal title as follows:

1. The site is adjacent to No 17 Brockford Road not No15 .
2. The application mentions the proposed development is more than 20 metres from a watercourse. This is incorrect; the River Dove is just across the Brockford Road.
3. The application states no hedge exists; there is a large rural hedge which fronts the application site and can be seen in attached photos.

In summary, this application is outside National, District Planning policy and our Neighbourhood Plan so should be refused. If the planning officer thinks otherwise, we have asked our District Councillor to call for a committee decision.

Sharon Jones

Parish Clerk

Mendlesham Parish Council

23 February 2017





End of burial ground



**From:** Philippa Stroud  
**Sent:** 16 February 2017 09:48  
**To:** Planning Admin  
**Cc:** Steven Stroud  
**Subject:** 0366/17/OUT Land adj. 15 Brockford Rd, Mendlesham - Land Contamination

WK/189837

**Ref:** 0366/17/OUT EH – Land Contamination  
**Location:** Land adjacent No15, Brockford Road, Mendlesham IP14 5SG  
**Proposal:** Outline planning permission sought for the erection of two detached dwelling.

Thank you for the opportunity to comment on the above planning application.

I have no objection to the proposed development from the perspective of land contamination. I would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

Regards,

Philippa Stroud  
Senior Environmental Protection Officer  
**Babergh and Mid Suffolk District Councils - Working Together**

Telephone: 01449 724724

Email: [Philippa.Stroud@baberghmidsuffolk.gov.uk](mailto:Philippa.Stroud@baberghmidsuffolk.gov.uk)  
Websites: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



7 March 2017

Mr Philip Isbell  
Corporate Manager - Development Management  
Mid Suffolk District Council  
High Street  
Needham Market, IP6 8DL

FAO Steven Stroud

Dear Mr. Isbell,

**0366/17 Outline planning permission sought for the erection of two detached dwellings. Land adjacent No17, Brockford Road, Mendlesham IP14 5SG**

The Suffolk Preservation Society ('the Society') has been approached by one of our members regarding this outline application for two dwellings on a greenfield site outside, and not abutting, the settlement boundary of Mendlesham.

### **The proposal**

The application site is adjacent to a small cluster of twentieth century housing located outside the settlement boundary and therefore in the countryside. It is within a locally designated Visually Important Open Space which includes the grade I listed St Mary's church, its associated burial grounds and adjoining agricultural land to the east and south. The area was designated in the 1998 MSDC Local Plan and protected in its *undeveloped form* by saved policy SB3. Its importance to the village was confirmed by its inclusion as a VIOS in the Mendlesham Neighbourhood Plan.

The Mendlesham NP aims to protect designated open spaces due to their *contribution to the character or appearance of their surroundings* and requires development proposals to *demonstrate that they will not significantly affect the views of these spaces*. Of particular relevance to this area of open space, para. 6.8 of the NP highlights the importance of views of St. Mary's church to the wider area. It states that the church tower is a *key landmark for the village, acting as a central navigation point that can be seen from both the village centre and the wider parish. Views to St. Mary's church should be carefully assessed as a key consideration for any future development*.

The design and access statement accompanying the application does not appear to consider the restrictions on development within a VIOS. Furthermore it does not meet the requirements of NP policy MP10 to assess the impact of the proposal on the VIOS or on views across the open space towards St Mary's church tower – as illustrated in the photograph supplied by the Parish Council.

## National and Local Planning Policy - 5 Year Housing Supply

We are fully aware that MSDC currently can only demonstrate a 3.8 year housing land supply and that local policies which relate to the supply of housing are therefore out of date and a presumption in favour of sustainable development applies. However a degree of weight should be given to the policies within the 'emerging' Mendlesham Neighbourhood Plan which received overwhelming support from the community at referendum on 2 March and will therefore become a 'made' plan imminently.

The National Planning Practice Guidance paras. 082 and 083 give guidance on deciding planning applications when there is an *emerging* or *made* NP but the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. It advises that decision makers may still give weight to relevant policies in an *emerging* NP, even though these policies should not be considered up-to-date. NPPF para 216 is clear that the more advanced the plan, the greater the weight should be.

Where there is a *made* NP and the local planning authority is unable to demonstrate a 5-year supply of deliverable housing sites a presumption in favour of sustainable development applies and policies restricting housing are silent. Paragraph 14 of the NPPF explains that this requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, *when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted*. However paragraph 083 of the NPPG explains that in this situation, decision makers should include in their assessment those policies in the NPPF that deal with neighbourhood planning. This includes paragraph 198 which states that *where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted*.

We refer the lpa to Crane v SSCLG [2015] EWHC 425 (Admin) which demonstrates that discretion exists on the part of the decision maker in cases where there is a NP in place but there is no 5-year housing land supply. In his decision Lindholm, J concluded that para 14 of the NPPF *does not prevent a decision-maker from giving as much weight as he judges to be right to a proposal's conflict with the strategy in the plan, or, in the case of a neighbourhood plan, the "vision". It does not remove the general presumption in paragraph 198 against planning permission being granted for development which is in conflict with a neighbourhood plan that has come into effect. These are all matters for the decision-maker's judgment(my emphasis)*.

Moreover we would refer you to the Ministerial Statement of 12 December 2016 which states that only a 3-year housing land supply is required in areas where a NP is in place. Notwithstanding the absence of a specific allocations policy within the Mendlesham NP, the aim of the statement is clearly to benefit communities who have worked hard to bring forward neighbourhood plans but are frustrated that their plan is being undermined because their local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

### Conclusion

In this case there is clearly discretion on the part of the decision maker as to the weight to be given to the policies within the NP. We consider that the Mendlesham NP should be given significant

weight in the determination of this application. The public benefits of only 2 new dwellings are limited, particularly as this is an outline application with no clear commitment to the type of housing to be provided. Therefore we consider that the application is contrary to the following policies of the Mendlesham NP: MP1(Housing), MP5(Historic Environment) and MP10(Open Spaces) which states that the VIOS will be protected.

We urge that this outline proposal is resisted and trust that our letter is of assistance in the determination of this application. In the event that your council is minded to approve the application we would strongly suggest that the dwellings are affordable in order to meet a specific housing need identified in the Mendlesham NP and designed to minimise the impact on the VIOS.

Yours sincerely,



**Bethany Philbidge**  
**BSc (Hons) MSc (Town Planning)**  
**Planning Officer**

Cc: Mendlesham Parish Council  
Phil Butler - SPS Mid Suffolk District  
District Councillor - Andrew Stringer

Your Ref: MS/0366/17  
Our Ref: 570\CON\0487\17  
Date: 23/02/2017  
Highways Enquiries to: kyle.porter@suffolk.gov.uk



**All planning enquiries should be sent to the Local Planning Authority.**  
Email: [planningadmin@babberghmidsuffolk.gov.uk](mailto:planningadmin@babberghmidsuffolk.gov.uk)

The Planning Officer  
Mid Suffolk District Council  
Council Offices  
131 High Street  
Ipswich  
Suffolk  
IP6 8DL

**For the Attention of:** Steven Stroud

Dear Steven

**TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN MS/0366/17**

**PROPOSAL:** Outline planning permission sought for the erection of two detached dwelling  
**LOCATION:** Land Adjacent No 15, Brockford Road, Mendlesham, IP14 5SG

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1 V 3

Condition: Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

2 AL 3

Condition: The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01; and with an entrance width of 4.5m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

3 D 2

Condition: Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

4 B2

Condition: Before the development is commenced details of the areas to be provided for presentation and storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

5 NOTE 02

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's Central Area Manager must be contacted on Telephone: 01473 341414. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/> A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Yours sincerely,

**Mr Kyle Porter**  
**Development Management Technician**  
Strategic Development – Resource Management

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