

Committee Report

Item 7B

Reference: DC/18/05313
Case Officer: Mark Russell

Ward: Battsford & Ringshall.

Ward Member/s: Cllr Daniel Pratt.

AGENDA ITEM RELATING TO APPLICATION AT APPEAL

RECOMMENDATION – THAT OFFICERS REPRESENT THE LOCAL PLANNING AUTHORITY IN THE APPEAL ON THE FOLLOWING BASIS: THAT THE COUNCIL WOULD HAVE BEEN MINDED TO REFUSE THE APPLICATION FOR THE REASONS FOR SET OUT IN PARAGRAPH 2.1

Description of Development

Outline Planning Application (Access and Layout to be considered) Erection of 32No. dwellings comprising 9 Local Need Homes, 2 Affordable Homes, 21 Open Market Homes and public reading room. Creation of new accesses to Bildeston Road and Castle Road, 9 parish allotments and a community car park.

Location

Land On The South Side Of, Bildeston Road, Offton, Ipswich Suffolk IP8 4RR

Expiry Date: 28/06/2019

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr & Mrs Stephen Phillips

Agent: Country House Developments Ltd

Parish: Offton

1.0 Background

- 1.1 This application was presented to Members for their consideration on 10th July 2019 and was deferred mid-way through debate when it was noted that determination of it might prejudice consideration of Planning application DC/18/03114 (in Somersham).
- 1.2 The latter had already been deferred at that same meeting at the behest of Members, so that Officers could confirm whether or not a reported accident in 2016 had been taken into account and for Officers to explore improvements to Main Road.
- 1.3 Given that the sites are relatively close to each other (2.7km) and are reliant on the same local road network, it was deemed prudent to delay a decision on application DC/18/05313 given that (although it was tabled for refusal for other reasons) there were not deemed to be any highway reasons for refusal.
- 1.4 The Minute reads as follows:

“The Area Planning Manager and Planning Lawyer advised Members that it had become apparent that to decide the application in light of the resolution regarding DC/18/03114 would prejudice any decision made on that application as the same piece of road, specifically the pinch point, would be travelled through from both sites.”
- 1.5 Members are reminded that the reasons for deferral were as follows:

“Members have agreed with officer recommendation to defer this item given the decision to defer item 7 A [DC/18/03114].

This site is located near the same road and to grant or refuse this application could be considered to be prejudicial to considerations of that application in highway terms.

Officers would also take the opportunity to consider further accessibility issues raised in relation to the merits of this application.”

- 1.6 Since this deferral, the applicant has lodged an appeal against the non-determination of this application.
- 1.7 The Local Planning Authority cannot, therefore, determine this application.
- 1.8 Members are, however, requested to confirm the reasons for refusal which will be defended by the Local Planning Authority at appeal.

2.0 Analysis of Possible Reasons for Refusal

- 2.1 Your Officer had tabled the following reasons for refusal:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. This has three strands – environmental, social and economic; all of which must be considered together. Policy FC1 of the Core Strategy Focused Review (2012) states that Mid Suffolk will take a positive approach to development, and will take into account whether any “adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole...” Policy CS1 of the Mid Suffolk Core Strategy (2008) states that: “ countryside and countryside villages and development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy.” The emerging Joint Local Plan is in the process of designating Offton as a Hamlet settlement classification, which is an unsustainable classification for major growth. In this context, the proposal represents a disproportionate level of major growth within a remote rural location that would continue to create a detached, rural clustered approach. This does not sustainably align with the above policies, nor with the NPPF, nor with the direction of the emerging Joint Local Plan. Nor does it address cumulative social or environmental impacts that would be a consequence of the major proposal in this remote rural location poorly connected to services, facilities or any main settlement.

Core Strategy policy H4 states that Mid Suffolk shall “seek to negotiate an element of affordable housing of up to 35% of the total provision of housing”. It is clear that the applicant will not be providing this amount of affordable housing. Policy H5 seeks to provide affordable housing as a “Rural Exception” for local people in small rural settlements, backed up by proof of local needs. This has not been achieved to the satisfaction of The Council’s Strategic Housing Officers and, therefore, the provision does not contribute to the social strand of sustainability. Given the unsustainable location, and also the inadequate quantum and inappropriate mix of proposed affordable housing, the proposal is held to be contrary to Policy FC1 of the Core Strategy Focused Review (2012), Policy CS1 of the Mid Suffolk Core Strategy (2008) and Policy H4 of the Mid Suffolk Local Plan (1998) and the NPPF.

- 2.2 In summary, the reasons relate to sustainability and affordable housing.
- 2.3 The appellant has covered these points in their Statement of Case and these will be met with a response by your Officers in the Local Planning Authority’s own Statement of Case.
- 2.4 However, the appellant has also responded to the additional points (covered in the reasons for deferral) relating to highway issues and accessibility.

HIGHWAY & ACCESSIBILITY ISSUES

- 2.5 Regarding highway issues: Suffolk County Council as the Local Highway Authority (HA) did not ultimately object to the application. At no point did the HA raise concerns about the above-mentioned “pinch point” or any other matter in Somersham.
- 2.6 If Members are content that this issue is dealt with at Somersham, it is logically dealt with here.
- 2.7 Your Officer would go further and would suggest that even if that matter is retained as a reason for refusal or further deferral at Somersham, it should not be linked to this site given the distance involved. It is, therefore, recommended that this line of reasoning is not taken forward in defence of the appeal and the Councils “minded to” position..
- 2.6 Regarding accessibility, the minute records this as “*accessibility issues raised* “. Whilst this is not explicit, the debate did focus on the matter of two bridges – an amended existing pedestrian bridge and a new shared vehicular/pedestrian bridge.
- 2.7 Regarding the former, this would not be wheelchair accessible. However, neither is the existing bridge. It is set some way down in to the gorge created by “The Channel” and in reality it would, in your Officer’s opinion, be prohibitive to provide a bridge at surface level to overcome this point. The lack of this provision, or indeed making no changes at all to the bridge, do not make the scheme unacceptable.
- 2.8 This point is strengthened by confirmation that the vehicular/pedestrian bridge approximately 40 metres to the east is wheelchair accessible. This was believed to be the case at the Committee of 10th July, but confirmation was requested.
- 2.9 It has been confirmed by the appellant that:
- “The proposed access bridge from Bildeston Road is compliant with the Suffolk Design Guide and Highway Technical Standards.....The width of the footpaths aligning the roadway are 1.8m wide and are located on both sides of the highway.”*
- 2.10 It is, therefore, recommended that matters relating to accessibility be excluded as reasons for a “minded to” refusal.

3.0 Conclusion

- 3.1 In conclusion, it is proposed to pursue what Officers consider to be robust reasoning in defence of this appeal and to remove those issues, other than mentioned in paragraph 2.1 above, forming reasons for deferral (namely relating to highways and accessibility) from consideration during the appeal, in order to ensure that the unacceptable harms arising from the development are properly focused upon and to reduce any risk of claims for unreasonable behaviour.

4.0 Recommendation

- 3.1 That reasons for the planning authorities “minded to” resolution of refusal should be restricted to those quoted above at paragraph 2.1 and all other reasons not be pursued.