

Tabled Papers

1856/17 – Land to north west of Church Lane, Barham

Outline planning application (with all matters reserved except for access and spine road) for phased development for the erection of up to 269 dwellings and affordable housing, together with associated access and spine road including works to Church Lane, doctor's surgery site, amenity space including an extension to the Church grounds, reserved site for Pre-School and Primary School and all other works and infrastructure (amended description).

Further consultee response

Barham Parish Council 13th January 2021 Appendix 1 (and attached email dated 15th December 2020 Appendix 2):

Concerns raised that have not been fully addressed:

- Highway impact
- Heritage impact
- Benefit of medical use or community use proposed on site cannot be realised
- No facilities proposed in development for community to use
- Design concerns, alien to local character
- Church car park and grounds extension limited benefit to wider village and civic life
- Purpose of large area of open space proposed not clear

Recent survey of parish identified 92% do not support the application, with concerns as set out above. Additional facilities community would like to see are a community hall, village green and café, and close behind a nursery and additional shops with workspace.

A series of meetings have been held between the parish council and officers, with the parish identifying what they wish to see included (Appendix 2) which broadly required:

- Community Hall
- Village Green
- Commercial uses, such as shops and café
- Medical centre in addition to community uses
- Design code developed subject to public consultation

No agreement reached to deliver these matters, citing viability concerns in respect of community hall.

Parish Council maintains objection, consider there are a lack of public benefits as set out above.

Also consider key policies are up-to-date and paragraph 11d of the National Planning Policy Framework (NPPF) should not be engaged. Key core strategy policies are in-step with the NPPF, and recent case law has found that it is incorrect that local plans cannot be afforded significant weight due to the NPPF.

Officer response:

There have been recent discussions with Barham Parish Council where the above matters have been raised. As a result a Design Code condition is now recommended to be included

as a planning condition. The applicant has also confirmed the doctor's surgery site/community use site would be secured in perpetuity as a community use (i.e. not released from S106 agreement for other forms of development such as housing), with details to be secured via the Section 106 agreement. A number of other requests were made by the parish council, which would have resulted in the substantial alteration to the proposals with revised plans and supporting information/reports. Whilst officers support the provision of community facilities where possible they are minded that the application had already been recommended to Members for approval in its current form in January 2020 in published committee papers. The proposals put forward were considered to be acceptable in the views of officers, and the benefits provided, including the public benefits, were considered to be significant and compelling. This still remains the case.

Barham Parish Council consider that the council's policies most important to determining this application are up-to-date and in-step with the National Planning Policy Framework (NPPF). This would lead to paragraph 11dii) of the NPPF not being engaged (i.e. the tilted balance should not be applied).

The weight to give policies is ultimately in the hands of the decision-maker as identified in recent case law highlighted by the parish council. It is also reasonable to refer to other recent applications where the most important policies for determining this application (CS1, CS2 and H7) have been considered at appeal, including at the public inquiry for land adjoining Tuffs Road and Maple Way, Eye, Suffolk in March 2020 (DC/18/01777, appeal reference APP/W3520/W/18/3215534) and ;and at Poplar Hill, Stowmarket in August 2019 (DC/18/02380, appeal reference APP/W3520/W/18/3214324). Here the above policies have consistently been deemed out of step with the NPPF, and whilst they should still be given weight as policies of the council's development plan, this weight should be reduced. This is the same approach taken in this application and it is therefore considered entirely appropriate to engage the tilted balance in this application.

In other matters raised by the parish council, further clarification has been sought from Suffolk County Council Highway Authority that the matters raised by Barham Parish Council's transport consultant have been fully considered and addressed, and the highway authority have concluded on highway safety.

SCC Highway Authority have verbally confirmed that their most recent comments in December 2019 conclude on both the cumulative network impact and highway safety, as inferred by reference to paragraph 109 of NPPF. The measures sought and secured through S106 agreement to Norwich Road/Station Road and Norwich Road/Church Road Claydon are to address pedestrian and cyclist safety when considering the cumulative impact of these two developments and background traffic levels. The Transport Assessment for these applications have been produced to the required industry standards and the Highway Authority has no outstanding concerns, particularly and for the avoidance of any doubt on the issues raised by THaT Consultancy on behalf of Barham Parish Council.

All other matters raised by Barham Parish Council are considered to be adequately covered in the officer's committee report.

DC/18/00861 – Land to east of Ely Road, Claydon

Outline Planning Application (with means of access to be considered) - Erection of up to 73 dwellings, public open space and supporting site infrastructure including access.

Amendment to committee report

Paragraph 14.10 is amended to include the following underlined text to clarify on the officer's conclusion on this application:

14.10 The proposed development does conflict with a number of policies in the development plan. However, as the key policy conflict of the principle of development of this site relate to policies that are out-of-date, this policy conflict with H7, CS1, CS2 and FC2 are given less weight. The policy conflict regarding landscape protection is given less weight given the limited extent to this within the landscape. The development is considered to comply with the development plan as a whole, notwithstanding the minor conflicts with some policies identified in the report.

Further consultee response

Natural England confirmed no objection to Habitats Regulations Assessment carried out by the council for the proposed development, subject to S106 securing Recreational Access Mitigation Strategy.