

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 2nd 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 "buildingswith 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





17 Brockford Road

End of burial ground

17 Brockford Road



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
Websites: www.babergh.gov.uk 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

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