

Committee Report

Committee Date: 05 April 2017

Item No: 1

Reference: 0366/17

Case Officer: Steven Stroud

Senior Planning Officer

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

Application Type: Outline Planning Permission

Development Type: Dwellings - Residential

Environmental Impact Assessment: Not required

Applicant: Honeycroft Properties

Agent: Philip Cobbold Planning Ltd

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.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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.

PART TWO – APPLICATION BACKGROUND

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

PART THREE – ASSESSMENT OF APPLICATION

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 22nd 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 23rd 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.

PART FOUR – CONCLUSION

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.