

Committee Report

Item No: 4

Reference: DC/17/02809
Case Officer: Jack Wilkinson

Description of Development: Two storey dwelling with detached garage and new vehicular access

Location: Kimberley, Blacksmith Road, Cotton, IP14 4QN

Parish: Bacton

Ward: Mendlesham

Ward Member/s: Cllr Andrew Stringer

Site Area: 693m²

Conservation Area: No

Listed Building: No

Received: 27/05/17 or 07/07/17

Expiry Date: 01/09/17

Application Type: FUL – Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr C Lockwood

Agent: Mr S Blemings, SJB Designs

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

- Planning Application Forms and Certificates;
- Planning Statement prepared by SJB Designs;
- Contamination Questionnaire prepared by SJB Designs;
- Groundsure Homescreen Search Report by Groundsure;
- Highways Access Statement, prepared by Mr R Carter, Highways and Traffic Consultant;
- Ecology Assessment, prepared by Skilled Ecology Consultant Ltd;
- Plans and other drawings relevant to the planning application prepared by SJB Designs (including revised 314-02 b Site Layout received 13th October 2017);

The application, plans and documents submitted by the Applicant can be viewed online AT [BLANK] via the following link <https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ORFK5SSHKUA00>.

Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature

PART TWO – APPLICATION BACKGROUND

History

2. The following applications have been considered relative to this property/site;

- | | | | |
|---|------------|---|---------|
| • | 3184/16 | Erection of store/workshop building | Granted |
| • | 1157/01 | Retention of land for garden | Granted |
| • | 1002/01 | Erect two storey and single storey extensions | Granted |
| • | 0595/88/OL | Erection of 2 detached residential dwellings | Refused |

All Policies Identified As Relevant

3. The local and national policies relevant to the application site are listed below and form part of the consideration of your officers. Detailed assessment of specific policies in relation to the recommendation and specific issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
SB02 - Development appropriate to its setting
H03 - Housing development in villages
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution

Details of Previous Committee / Resolutions

4. None.

Details of member site visit

5. None.

Details of any Pre Application Advice

6. The applicant's agent engaged in pre-application discussion with the LPA, where the principle, scale, layout and relationship to existing development were discussed.

List of other relevant legislation

7. Below are details of other legislation relevant to the proposed development.

- Human Rights Act 1998
- 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
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

PART THREE – ASSESSMENT OF APPLICATION

Summary of Consultations

8. The responses below relate to the initial consultation carried out on the proposal;

Cotton Parish Council – No objection was made to the proposed building, although it was noted that a biodiversity report was highly desirable in order to be consistent with other applications and it was further noted that while rainwater dispersal had been provided for through a soakaway, this should be monitored and confirmed.

BMSDC Ecology (Place Services) – No objection subject to condition to secure ecological mitigation measures and reasonable biodiversity enhancements.

BMSDC Arboricultural Officer – The trees and section of Hedgerow affected by this proposal are of insufficient amenity value to warrant being a constraint.

BMSDC Land Contamination – No objection.

SCC Highway Authority – No objection, recommends conditions relating to the vehicular access, no frontage enclosure within 2.4 metres of the highway and parking and turning being as per plan 02 Rev A.

(Note: Following reconsultation the LHA have confirmed they are satisfied with the visibility splays as shown on plan 02 Rev B, showing 43m in either direction).

Representations

9. One representation has been received from the parents of the applicant and makes the following comments (summarised);
 - They live adjacent to the site and are content for the hedgerow bordering the road on either side of the plot to be partially trimmed back and/or removed as deemed necessary to enable visibility splays to be created so that the new access will be in accordance with DM01 as requested by Highways. In addition, where any replacement hedgerow further back from the road to avoid any actual loss of hedge.

The Site and Surroundings

10. The site lies to the south of Blacksmith Road, adjacent to the host dwelling known as Kimberley. It consists of a parcel of land that is associated with Kimberley, and which contains a number of semi-mature trees set behind a significant roadside hedge.
11. Blacksmith Road is an unclassified road which is the subject of a 30mph restriction. To the west, Blacksmith Road terminates at the junction with the B1113 which runs to Finningham in the north and Old Newton in the south. To the east, Blacksmith Road leads to the village of Cotton.
12. The site lies adjacent to the village envelope of Bacton, within which the host property, Kimberley, is contained. The site is, therefore, located close to Bacton despite its address being within Cotton.
13. Beyond Kimberley, which lies to the west of the site, are further residential properties which lead to the B1113 junction but which face Blacksmith Road. To the north-east, on the opposite side of Blacksmith Road, is the Mechanical Music Museum and the associated buildings.
14. The site is well contained to the south and east by existing landscaping, and the land opposite (to the north side of Blacksmith Lane) also consists of a parcel of land subject to significant natural landscaping.
15. The total site measures 693m² and is not subject to any formal landscape designations.

The Proposal

16. The application seeks planning permission for a 3 bedroom dwelling. The proposed dwelling has a proposed G.I. floor area of 121m².
17. The statement supporting the application identifies that *“The dwelling has been designed to be sympathetic to its semi rural setting taking design inspiration from traditional dwellings utilising both design accents and a suitable material palette ensuring that the dwelling will have the appearance consistent with Suffolk vernacular design. The scale of the proposed dwelling is subservient to the adjoining dwelling Kimberley House with a reduced frontage and scale”*.
18. The layout of the proposed site has been configured to enable the proposed new garage to be located behind the frontage of the building.

19. The proposed dwelling would be orientated to face onto the road, with parking and turning space to the front of the property. A new vehicular access would be provided directly off Blacksmith Road towards the eastern end of the plot.
20. To facilitate the new dwelling and access, some trees will need to be removed from the site. The applicant has provided a plan showing the extent of the hedgerow that would need to be removed from the site frontage, and their proposals for replacement hedgerow planting behind the visibility splays.

Main Considerations

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

The Principle Of Development

22. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
23. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
24. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
25. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...' The

NPPF (Paragraph 49) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. For sites to be considered deliverable they have to be available, suitable, achievable and viable.

26. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
27. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.
28. A summary of the [MSDC] Council's 5 year land supply position is:
 - i. Core Strategy based supply for 2017 to 2022 = 3.9 years
 - ii. SHMA based supply for 2017 to 2022 = 3.9 years
29. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
 - *"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
 - *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
 - *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*
30. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability Assessment Of Proposal

31. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.

32. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories, including, rural exception housing, consisting of the following;
- agricultural workers dwellings
 - possible conversion of rural buildings
 - replacement dwellings
 - affordable housing on exception sites
 - sites for Gypsies and Travellers and travelling showpeople
33. Policy H7 of the Local Plan seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
34. The proposal site is located in the countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will permitted. The proposal does not represent rural exception housing for the purposes of the Cores Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan.
35. Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan form part of a suite of policies to control the distribution of new housing, they can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that these policies should be afforded limited weight as they restrict housing development in the countryside to solely exception housing.
36. Furthermore, paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes in the countryside, except in special circumstances. Paragraph 55 of the NPPF states that:
- “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.”*
37. When considering the principles of whether a development is isolated, it is appropriate to consider both the extent to which the development is related to existing built development, and the relationship to facilities and services. These shall be looked at in turn, below.
38. The site lies immediately to the east of a run of residential properties fronting Blacksmith Road, and further properties are located to the north side of the road, opposite the site. In this regard, the site has a close functional relationship with existing built development and would, therefore, not be isolated in this sense.
39. With regards to the relationship that the site has to facilities and services, the site sits immediately adjacent to the settlement boundary for Bacton, which takes in the host dwelling (Kimberley House) and runs south along the B1113. Whilst there are no footpaths running along this road, or along the B1113 until it reaches the junction with Pound Hill (which leads into the village), any future occupants would be able to access the facilities and services by cycle and there are bus stops within the vicinity of the site (outside the Mechanical Music Museum) which give access to a daily bus service to Eye, Diss and Bury St Edmunds. However, this service is limited in terms of the times in which it is available during the day.

40. Notwithstanding this, the site is not remote from facilities and services such that there are not viable alternative methods of transport available to future occupants. As such, the proposal is also not considered to be isolated in this regard.
41. In light of the above considerations, the proposal is considered to be well related to existing built development and would have reasonable access to day to day facilities and services such that the special circumstances required by paragraph 55 are not engaged in this case. The considerations will therefore turn to the three dimensions of sustainable development set out in the NPPF.
42. The proposal would encompass the economic role of sustainable development through the purchase of materials and services in connection with the construction of the dwelling as well as the increase in local household expenditure. Officers have regularly seen this position given some weight in appeal decisions for development of this scale, albeit that in circumstances pertaining to one dwelling these economic gains are recognised as being limited.
43. The scheme would provide benefits in terms of fulfilling the social dimensions of sustainable development through a small contribution towards the Council's housing stock. Given the Council's acknowledged housing land supply position and the aims of the Framework to significantly boost the supply of housing, moderate weight is attached to this benefit.
44. In environmental terms, the development would result in some need to travel by car for basic day-to-day services and facilities which would not support the transition to a low carbon future nor would it be consistent with the Framework's aims to make the fullest use of non-car modes of transport. However, the weight attached to this harm is moderated by the fact that the Framework recognises the opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The assessment carried out above in respect of alternative methods of transport demonstrates that there are alternatives available which reduces the harm that would result from this proposal.
45. This is also to be considered in the light of other appeal decisions, including that for a single dwelling at Finningham Road, Old Newton (APP/W3520/W/17/3174838) which raised similar issues. In that case, the Inspector found that;

"9. Focussing on the environmental role, the site was formerly the garden to Holly Cottage and is enclosed by mature landscaping. It has a different character in comparison to the agricultural land that surrounds the site. The proposed dwelling would be sited within the proximity of other dwellings and would not appear isolated or give the impression that the site would encroach into the surrounding countryside. However, the dwelling would be remote from towns and villages where services, employment and facilities are concentrated. Finningham Road itself is 60mph, does not have a footpath and is unlit. It is reasonable to assume that the occupiers of the dwelling are likely to be reliant on the private car to access services and facilities to meet their day to day requirements, which is the same for the existing properties close to the site.

10. However, there would be limited harm to the character and appearance of the area as a result of the development and the level of car trips generated by one dwelling would be minimal. Moreover, the Council has a short fall in its housing land supply and the Framework emphasises the need to boost significantly the supply of housing to deliver a wide choice of high quality homes. Therefore, having regard to paragraph 14 of the Framework, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development, which weighs in favour of allowing the appeal".

46. Taking all these considerations in the round, the development would deliver economic and social benefits consistent with the Framework and the development plan. Weighing against the proposal would be the environmental harm arising from future dependency on car borne trips. Nevertheless, this harm would not 'significantly and demonstrably' outweigh the benefits identified. Accordingly, the scheme would constitute sustainable development for which there is a presumption in favour.
47. As such, despite its location within the countryside, Officers consider this is a sustainable location when assessed against the provisions of the NPPF as a whole. Thereby, the proposal is acceptable in principle.
48. An assessment of other material considerations is set out below.

Highway Safety/Parking

49. The Local Highway Authority (LHA) have raised no objections to the proposal, and have recommended conditions as per the summary of their response set out earlier in this report.
50. Following receipt of the LHA comments, the applicant has commissioned a report by a Highway and Transport Consultant to consider the extent of hedgerow that would be needed to be removed to facilitate the required visibility splays. This report identifies makes the following points;
 - Blacksmith Road is an unclassified road (the U5525) which leads off the B1113 through route into the village of Cotton.
 - The road is subject to a 30mph speed limit.
 - The site and proposed new access point are approx. 100 metres from the B1113 junction, and traffic speeds are low as vehicles are preparing to give way, or have just left, this junction.
 - Would expect Manual for Streets visibility standards to be acceptable to the LHA, a sit would appear that such standards have been accepted for other sites in Blacksmith Road.
 - As such, visibility splays of 43m metres in each direction would be applicable and satisfactory for the proposed development.
 - These visibility splays have now been added to the proposal, and are shown on submitted drawing 314/02B. This shows they can be achieved without any significant loss of the existing hedgerow, and new hedgerow can be planted to the back edge of the visibility splay as now shown.
51. The submitted documents were referred to the LHA for further comment, and they confirmed that subject to appropriate conditions being attached to any permission, they are satisfied by the information provided and the adequacy of the visibility splays proposed.
52. The proposal makes adequate provision for parking and turning on the site, in accordance with the Parking Standards. As such, the proposal is acceptable in this regard.

Impact on Landscape

53. The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
54. The Planning Practice Guidance advises that "*The opportunity for high quality hard and soft*

landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape". The site does not sit within any designated landscape, but consists of a strong boundary hedge and a number of trees within the site itself. It is, therefore, a green and verdant site which contributes in landscape terms to this approach to Bacton when travelling from Cotton.

55. The proposal would result in the loss of a length of approximately 13 metres of the roadside hedgerow to the east of the proposed access. The proposal seeks to reinstate this back from the roadside edge, and thereby maintain the soft edge to the site whilst enabling the visibility splays to be provided. In this regard, whilst the loss of the hedgerow is undesirable, the proposal does not result in such harm to the character of the locality that would make the scheme unacceptable. The provision of suitable replacement planting would be required by a planning condition, and thereby ensure the character of this approach to the village would be maintained.
56. The Council's Arboricultural Officer has identified that none of the trees proposed to be removed are of sufficient amenity value to warrant being a constraint on this development. As such, which the scheme would result in a change in the character of the locality, the proposal would be acceptable in terms of the provisions of policies CS05, GP01 and SB02.

Design and Layout

57. The proposed dwelling takes the form of a two-storey detached property with a L-shaped plan form. It is of traditional form and appearance and is of scale and appearance that would clearly relate to the character of the properties in the immediate vicinity of the site, the majority of which are two-storey in scale, set back from the road and have gables fronting the road.
58. It is proposed to use a palette of materials that includes brick facades complimented by black coloured featheredge timber cladding, clay pantile roof and grey colour uPVC windows and grey colour composite doors. This overall composition is considered appropriate to its setting and would compliment existing development in the locality.
59. The site has been laid out to enable the garage to be sited to the side of the dwelling, and for parking and turning to occur on site. The dwelling would have a positive relationship with existing development such that it would read as a natural extension of this part of the village. In this regard, there are no objection raise to the proposal in terms of its design and layout and it is therefore considered to accord with policies CS05, GP01 and SB02.
60. Internally, the entrance hall would serve a kitchen/dining space, sitting room, utility room and WC. At first-floor, three bedrooms are provided, one of which has an ensuite bathroom along with a main bathroom. The internal spaces are of a good size and raise no concerns as to the quality of life for future occupants.
61. Furthermore, a good sized private amenity space is also provided to the rear of the property.

Impact on Heritage Assets

62. The proposal does not affect any designated or non-designated heritage assets. In light of this, no further assessment is required.

Land Contamination

63. The applicant has adequately demonstrated that the proposed development would not be at risk of contamination.

Biodiversity

64. The application is supported by an Ecological Assessment which has been assessed by the Council's Ecological Consultant. The recommendations of this report, which includes precautionary measures for amphibians, hedgehogs, bats and birds, are recommended to be secured by condition.
65. Recommendations for habitat compensation are also provided and should be undertaken.

Surface Water Drainage

66. It would be expected that the proposal would deliver sustainable drainage. No particular issues have been identified within the determination of this application that would suggest this is not achievable and, therefore, it is considered that the proposal can deliver a sustainable drainage system, which would be achieved through a condition on any permission granted.

Residential Amenity

67. There are no properties to the north, south or east of the proposal which would be affected by the development.
68. The main impacts, therefore, would be on the property known as Kimberley, which lies to the west and is occupied by the applicant's parents. Whilst there is a first-floor window in the side elevation facing Kimberley, this serves the bathroom and would not, therefore, result in overlooking of the private amenity space of the neighbouring property.

Crime and Disorder

69. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

70. Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance

71. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
72. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
73. In light of this application relating to a proposal for new housing, an important consideration in determining this application is that Mid Suffolk does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
74. Paragraph 14 of the NPPF states;
- “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*
- For decision-taking this means:*
- *approving development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted”.*
75. As such, the effect of paragraphs 47, 49 and 14 are that;
- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
 - that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
 - where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted.
76. As set out at paragraph 30 above, the Supreme Court in May 2017 has clarified the position with regards to 'policies for the supply of housing' and how that is to be considered. Officers note that

the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the 'tilted balance' required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

77. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to heritage assets, as being those which may indicate development should be refused.
78. As such, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged. The above assessment finds that the proposal would not conflict with the NPPF when taken as a whole, and would, therefore, be sustainable development for which there is a presumption in favour.
79. Furthermore, there is no local objection to this proposal and all consultees have found the proposal to be acceptable. A recommendation of approval is therefore made.

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

80. 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 to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

81. 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 2010
 - 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
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That the Corporate Manager – Growth & Sustainable Planning be authorised to grant planning permission subject to conditions, including: -

- 1) Standard Time Limit Condition.
- 2) Approved Plans
- 3) As required by the LHA (amended to include visibility splays as per plan 314-02 B)
- 4) Surface water drainage
- 5) Landscaping