



## PLANNING COMMITTEE SOUTH - UPDATE SHEET 25 January 2022

**Item 6: DC/20/3326/OUT - Outline application with all matters reserved apart from access. A phased development, including the erection of up to 49 Custom/Self-Build homes (plots), with the development to include 16 affordable homes, public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure - Land at Victoria Mill Road, Framlingham.**

### Framlingham Town Council submission

A supplementary legal advice letter from Leigh Day Solicitors (dated 24 January 2021 (typo)) was forwarded to the local planning authority by Framlingham Town Council on Monday 24 January 2022. It has been added to the East Suffolk Council Public Access website and may have been shared with members of the Planning Committee directly. Amongst other comments it includes the following paragraph:

*8. It is legally open to officers to conclude that other material considerations outweigh a conflict with the development plan. However, they must first conclude whether or not a conflict exists. If it is the officers' view that there is a conflict with the FNP and that such conflict is outweighed by other material considerations, then they must explain that to members. They must explain to members first that they consider there is a conflict with the development plan (properly interpreted) and second that they consider the conflict is outweighed by other material considerations, so that members can come to their own planning judgement on both of these questions. The officer's report fails to do this because she provides no conclusion as to whether there is a conflict with the development plan.*

The Head of Planning & Coastal Management remains of the view as per the report that there is no conflict with the development plan or the relevant policies of the Framlingham Neighbourhood Plan and therefore this paragraph of legal advice to Framlingham Town Council is not relevant. However, in the event that the proposal was found to conflict with the development plan or more specifically Policy FRAM25 then the following paragraph is provided for members to take into consideration.

In any case this is not a departure from the Development Plan but a subjective interpretation of possible conflict with an element of one policy of the Development Plan.

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**Under the circumstance of a conflict with a policy of the development plan** through the interpretation of Policy FRAM25 the following applies:

Policy FRAM25 seeks to develop the site for approximately 30 dwellings. The proposal at 'up to 49 dwellings' is considered to exceed the parameters of 'approximately 30' in the policy text and therefore it presents a conflict with the policy and one that one policy as a part of the development plan as a whole. If a conservative judgement on the parameters of 'approximately' is considered to sit between 25 and 35 dwellings, the proposal therefore represents 14 more dwellings than the approximately upper limit of 35. The additional 14 dwellings, under this scenario represent a conflict with the policy and the 49 dwellings on this allocated site should be considered against the development plan as a whole, the National Planning Policy Framework (NPPF) and other material considerations.

The material considerations include:

- The density of the site: At 'approximately 30 dwellings' the site presents a very low density and does not efficiently utilise its sustainable location.
- The benefits of additional dwellings and variety of housing types, including affordable homes and more smaller homes.
- The benefit of delivering self-build and custom-build housing choices.
- The ability to fully deliver the Neighbourhood Equipped Area for Play provision expected by Policy FRAM25, which addresses the needs of a wider range of young people in this part of the town – *an exceptionally large play provision for a scheme of approximately 30 dwellings only.*
- The lack of identified harm.
- Acceptable highway proposals which demonstrate that 49 homes can be accommodated.
- The job creation and economic benefits of a larger number of homes.

Overall, there are wider benefits to a modest increase in the number of homes beyond the approximately 30 dwellings set out in the site-specific policy. Material considerations indicate that a conflict with policy is outweighed, including when the plan is taken as a whole.

#### Statutory consultees

Amendment to the list of consultee status under Chapter 4. In this instance, statutory consultees as per Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 are:

- The parish council;
- The highway authority; and
- The lead local flood authority.

#### Additional plans

Revised highway plans include the following:

- 215077-CCL-XX-XX-DR-C-5008 Rev. P01: Proposed access swept path analysis: refuse vehicle.
- 215077-CCL-XX-XX-DR-C-5005 Rev. P02: Proposed access swept path analysis: Maximum legal articulated vehicle – Sheet 1.

- 215077-CCL-XX-XX-DR-C-5006 Rev. P02: Proposed access swept path analysis: Maximum legal articulated vehicle – Sheet 2.
- 215077-CCL-XX-XX-DR-C-5007 Rev. P0: Proposed swept path analysis: Dwellings opposite proposed private access.
- 215077-CCL-XX-XX-DR-C-5009 Rev. P01: Proposed access swept path analysis: Maximum legal articulated vehicle routes with point of turn not fully considered.
- 215077-CCL-XX-XX-DR-C-0001 Rev. P02: Demonstrates visibility splays from proposed access.