



Forest Heath
District Council

Development Control Committee

1 August 2018

Committee Update Report following the publication of the revised National Planning Policy Framework (NPPF) on 24 July 2018

- Item 5 - DC/17/2585/FUL: Garage Sites, Downing Close, Mildenhall**
- Item 6 - DC/17/2586/FUL: Garage Sites, Emmanuel Close, Mildenhall**
- Item 7 - DC/17/2587/FUL: Garage Sites, Newnham Close, Mildenhall**
- Item 8 - DC/17/2588/FUL: Garage Sites, Peterhouse Close, Mildenhall**
- Item 9 - DC/17/2589/FUL: Garage Sites, Pembroke Close, Mildenhall**

Following the publication of the revised NPPF on 24 July 2018, the above applications have now been re-assessed having regard to the updated national planning policy.

The revised NPPF does not alter the primacy of the development plan, but remains a significant material consideration in the planning process. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. As paragraph 12 states, *'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Specific paragraphs now relevant to the above applications are: 8 (sustainable development objectives), 63 (affordable housing), 91, 96 (healthy and safe communities), 108, 109, 110 (sustainable transport), 117, 118 (effective use of land), 124, 127, 128, 130 (well designed places), 153 (climate change) and 175 (habitats and biodiversity).

The conclusions of the re-assessment of the applications having regard to the revised NPPF can be summarised as follows:

Principle of development – the NPPF does not alter the conclusion that the proposal, being within the settlement boundary, is acceptable.

Parking and highway impact – the conclusions set out in the committee reports accord with the thrust of paragraphs 110 of the NPPF which requires development to *'create places that are safe, secure and attractive – which minimise the scope for*

conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards...' and to 'allow for the efficient delivery of goods, and access by service and emergency vehicles'. Paragraph 109 of the revised NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.' In the case of the applications recommended for refusal, SCC Highways have concluded that there would be an unacceptable impact on highway safety.

Design and layout – The revised NPPF again states that good design is a key aspect of sustainable development. How the Government sees this being achieved is set out in paragraphs 124, 127, 128 and 130. Importantly, and having regard to the conclusions set out in the committee reports, paragraph 130 states that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*'

Residential amenity – the requirements of DM2 and DM22 in this respect still carry full weight as the having acceptable impacts on existing residential amenity, as well as having appropriate levels of amenity for future occupiers, is a key element of good design and which is supported by the revised NPPF in paragraph 127.

Ecology and open space – the assessment and conclusions reached in the committee reports having regard to JDM policies DM10 and DM13 accord with paragraph 175 of the revised NPPF.

Planning obligations – the committee reports refer to a Written Ministerial Statement dated 28 November 2014. This has now been superseded by paragraph 63 of the revised NPPF. However, the threshold of 10 dwellings (major development) remains, below which the provision of affordable housing should not be sought.

Energy efficiency – the conclusions reached in the committee reports in this regard accords with section 14 of the revised NPPF, specifically paragraph 153, which expects new development to '*comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable;...*'

Having regard to the revised NPPF, the wording of the recommendations set out in the committee reports are amended as follows:

ITEM 5 - DC/17/2585/FUL – Garage Sites, Downing Close, Mildenhall

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development

Management Policies DM2 and DM22 and paragraphs 108,110 and 127 of the revised NPPF.

2. The design and layout of the scheme fails to meet the requirements of good and appropriate design as required by local policy and paragraph 63 of the NPPF. Plot 7 has a garden size that has been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. The presence of an electrical sub-station with a separation distance of only 4 metres from the rear elevation of the proposed dwelling further reduces the amenity levels for this dwelling. This plot performs poorly in terms of design and appearance and is contrary to the requirements of Core Strategy Policy CS5, Joint Development Management Policies DM2 and DM22, and paragraphs 124, and 127 of the revised NPPF.
3. Due to the harmful overshadowing impact on no. 14 Downing Close, the proposal fails to accord with the design and layout requirements of Joint Development Management Policies DM2 and DM22 and paragraphs 124 and 127 of the revised NPPF with respect to the consideration of neighbouring residential amenity.

ITEM 6 – DC/17/2586/FUL – Garage Sites, Emmanuel Close, Mildenhall

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 108,110 and 127 of the revised NPPF.
2. Due to the harmful overlooking impact to no. 32 Emmanuel Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 and paragraphs 124, and 127 of the revised NPPF with respect to the consideration of neighbouring residential amenity.

ITEM 8 – DC/17/2588/FUL – Garage Sites, Peterhouse Close, Mildenhall

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 108,110 and 127 of the revised NPPF.

2. Due to the harmful overbearing and overshadowing impact to no. 43 Peterhouse Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and paragraphs 124, and 127 of the revised NPPF with respect to the consideration of neighbouring residential amenity.

ITEM 9 – DC/17/2589/FUL – Garage Sites, Pembroke Close, Mildenhall

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 108,110 and 127 of the revised NPPF.
2. Whilst generally the design and layout of the scheme is acceptable, plots 1- 4 have garden sizes that have been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. These plots perform poorly in terms of design and appearance and this aspect of the scheme is contrary to the requirements of Core Strategy Policy CS5, Joint Development Management Policies DM2 and DM22, and paragraphs 124, and 127 of the revised NPPF.