

NEWTON PARISH COUNCIL

Minutes of Meeting held on 9th November 2022 at Newton Village Hall

Present: Councillors Paul Presland (Chairman), Russ Bower, Rita Schwenk, Laura Smith and Philip Taylor.

Attending: **James Finch (Suffolk County Councillor)**, Lee Parker (Babergh District Councillor), Dave Crimmin (Clerk) and two members of public.

22/167 Apologies for Absence

Cllr Everett (holiday) sent his apologies.

22/168 Declaration of Interests and Requests for Dispensation

No interests were declared and no request for dispensation had been received.

22/169 Minutes of Meeting held on 12th October 2022

The minutes of the meeting were approved by the councillors who resolved that the minutes should be signed by the Chairman as a correct record.

22/170 Councillor Vacancy

No application had been received for the councillor vacancy at NPC.

22/171 Public Participation

The councillors reviewed James Finch's previously submitted report and he updated councillors on Investment zones, SEND, Ukrainian refugees, ANPR, and SCC's Budget. The new road sign for the Village Hall has now been ordered. Lee Parker updated councillors on the BDC's Budget, Council Tax reduction consultation, Winter Warm funding, Innovation Awards, CIFCO's net income of £3.7 million last year, naming bin lorries, Bird Flu and Homelessness Awareness. He updated councillors on the appeal processes still open to the applicant following the refusal of planning permission for the barns on Rotten Row, which in themselves may take many months to complete.

22/172 Planning

- a. The councillors reviewed **Planning Application DC/22/05063 Land At Fairways, The Green** - Erection of 1 No Dwelling (following demolition of existing annexe and outbuildings) and they resolved to unanimously object to the planning application as it did not meet the policies in the Newton Neighbourhood Development Plan (NNDP) as follows:

Newton Neighbourhood Development Plan (NNDP)

- **23rd June 2021** - Ann Skippers MRTPI produced the Independent Examiner's Report for the NNDP. Her report concluded ***"I am satisfied that the NNDP, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report. I therefore consider that the NNDP should proceed to a referendum based on the Newton Neighbourhood Plan area as approved by Babergh District Council on 23 March 2018."***
- **24th February 2022** - 131 (87.92%) of the votes cast answered "Yes" to the question ***"Do you want Babergh District Council to use the Neighbourhood Plan for Newton to help it decide planning applications in the neighbourhood area?"***

Signed _____

Date

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- **2nd March 2022** - Babergh District Council agreed to adopt (make) the NNDP.

Issues that NPC have with the Planning Application

- i. The application is for the development of 1 dwelling and the councillors do not consider this to be in accordance with the:

NNDP POLICY NEWT 1: DEVELOPMENT STRATEGY

- 1. New development proposals in Newton should be commensurate with its designation as a hinterland village. Development will be prioritised on underused parcels of land within the defined settlement boundary (as shown on the Policies Map) and must reflect the character of the surrounding area.**
- 2. Proposals for development located outside the settlement boundary will only be permitted where they are in accordance with national, District or neighbourhood level policies.**

as the proposed development is outside the BUAB and the proposal does not reflect the character of the surrounding area. After reviewing the application, the councillors did not consider that the applicant has justified how this proposal is in accordance with the current national, District or neighbourhood level policies.

- ii. The councillors consider that the proposal does not meet the criteria of the **NNDP Section 6.11** which states:

“Development outside the settlement boundary should only be permitted where it is an appropriate use in the countryside (as defined by various policies in the Emerging Joint Local Plan) or demonstrates that it provides clear benefits to the community of Newton which cannot be met within the settlement boundary. This could be in the form of affordable housing for people with a local connection (see below) or the provision of a facility that will address a clear need which is lacking in the community, e.g. a community shop. The settlement boundary is shown in Map 3.”

as the proposal is only for private dwellings with no benefits to the residents of Newton.

- iii. The councillors do not consider that the proposed development is required for the housing need in Newton as the **NNDP Section 6.8** states that:

The housing requirement for Newton, as set out in Policy SP04 of the Emerging Joint Local Plan is a minimum of 23 homes over the period to 2037. Given the 30 units either completed or in the planning pipeline (as shown and described in Map 2), Newton has achieved its minimum requirement already.

This proposal for one dwelling is not included in the 30 units.

- iv. The councillors consider that whilst **NNDP Section 6.15** allows for development outside the settlement boundary:

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“Proposals for the development of small-scale affordable housing schemes outside the settlement boundary, where housing would not normally be permitted by other policies, will be supported where there is a proven local need and provided that the housing:

- **always remains affordable;**
- **is for people in housing need that are unable to buy or rent properties in the village at open-market prices; and**
- **is offered to people with a demonstrated local connection such as through direct family connections or work.**
- **Where there is no need, is then offered to those with a demonstrated need for affordable housing in neighbouring villages.”**

there is no proposal for affordable housing within this scheme.

- b. The councillors reviewed **Planning Application DC/22/05206 Land Rear Of Juglans, Sudbury Road** - Erection of 6No. single storey dwellings, ancillary outbuildings and alterations to existing vehicular access (re-submission of withdrawn application DC/22/03566) and they resolved unanimously to object to the planning application. The background and grounds for their objection were as follows:

Consultation with Newton Parish Council (NPC)

The applicant has not made any contact with the council either prior to or following the LPA sending notice of the original planning application (DC/22/03566) to the council on the 17th July 2022 or this planning application. The applicant did attend the NPC meeting on the 10th August 2022 when the planning application DC/22/03566 was reviewed but did not engage with the councillors on any aspects of his scheme. The applicant was not present when this application was reviewed.

Newton Neighbourhood Development Plan (NNDP)

- **23rd June 2021** - Ann Skippers MRTPI produced the Independent Examiner's Report for the NNDP. Her report concluded ***“I am satisfied that the NNDP, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report. I therefore consider that the NNDP should proceed to a referendum based on the Newton Neighbourhood Plan area as approved by Babergh District Council on 23 March 2018.”***
- **24th February 2022** - 131 (87.92%)of the votes cast answered ***“Yes”*** to the question ***“Do you want Babergh District Council to use the Neighbourhood Plan for Newton to help it decide planning applications in the neighbourhood area?”***
- **2nd March 2022** - Babergh District Council agreed to adopt (make) the NNDP.

Issues that NPC have with the Planning Application

- i. The application is for the development of 6 single-storey dwellings. Only plot 6 of the proposed dwellings “lies partly within and partly outside” the Built-Up Area Boundary

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(BUAB) of Newton. The other 5 dwellings are all outside the BUAB. The councillors do not consider this to be in accord with the:

NNDP POLICY NEWT 1: DEVELOPMENT STRATEGY

- 1. New development proposals in Newton should be commensurate with its designation as a hinterland village. Development will be prioritised on underused parcels of land within the defined settlement boundary (as shown on the Policies Map) and must reflect the character of the surrounding area.***
- 2. Proposals for development located outside the settlement boundary will only be permitted where they are in accordance with national, District or neighbourhood level policies.***

as the proposed development has 5 dwellings and part of the 6th dwelling outside the BUAB and the proposal does not reflect the character of the surrounding area.

After reviewing the Local Housing Need Report (LHN) the councillors did not consider that the applicant has justified how this proposal is in accordance with the **current** national, District or neighbourhood level policies. They did agree that the LHN report has been composed for Babergh's review rather than NPC's.

- ii. The councillors consider that the proposed development is not in accord with:

NNDP POLICY NEWT 3: CHARACTER AND DESIGN OF DEVELOPMENT

- 2. The design and layout of development must recognise key features of the landscape, built character and heritage and seek to reflect these through:***
 - a. the use of good quality materials that complement the existing palette of materials used within the area; and***
 - b. the scale and mass of buildings being in keeping with those that surround them.***

as the scale and mass of buildings and garden sizes are not in keeping with existing dwellings that surround the scheme nor does it take into account the key features of the landscape and built characteristics.

- iii. The councillors consider that the proposal does not meet the criteria of the **NNDP Section 6.11** which states:

“Development outside the settlement boundary should only be permitted where it is an appropriate use in the countryside (as defined by various policies in the Emerging Joint Local Plan) or demonstrates that it provides clear benefits to the community of Newton which cannot be met within the settlement boundary. This could be in the form of affordable housing for people with a local connection (see below) or the provision of a facility that will address a clear need which is lacking in the community, e.g. a community shop. The settlement boundary is shown in Map 3.”

as the proposal is only for private dwellings with no benefits to the residents of Newton.

- iv. The councillors do not consider that the proposed development is required for the housing need in Newton as the **NNDP Section 6.8** states that:

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The housing requirement for Newton, as set out in Policy SP04 of the Emerging Joint Local Plan is a minimum of 23 homes over the period to 2037. Given the 30 units either completed or in the planning pipeline (as shown and described in Map 2), Newton has achieved its minimum requirement already.

This proposal for 6 dwellings is not included in the 30 units.

- v. The councillors consider that whilst **NNDP Section 6.15** allows for development outside the settlement boundary:

“Proposals for the development of small-scale affordable housing schemes outside the settlement boundary, where housing would not normally be permitted by other policies, will be supported where there is a proven local need and provided that the housing:

- **always remains affordable;**
- **is for people in housing need that are unable to buy or rent properties in the village at open-market prices; and**
- **is offered to people with a demonstrated local connection such as through direct family connections or work.**
- **Where there is no need, is then offered to those with a demonstrated need for affordable housing in neighbouring villages.”**

there is no proposal for affordable housing within this scheme.

- vi. The councillors do not consider that the visibility from the “existing access” track on the site plan, onto the A134 complies with the:

NNDP POLICY NEWT 8: ENSURING PEDESTRIAN SAFETY AND ENCOURAGING WALKING

2. Proposals for new development must provide safe access for vehicles, cyclists and pedestrians with adequate visibility. In particular, development proposals that generate an increased need for parking must ensure that all vehicle parking is provided in accordance with adopted SCC Parking Standards in order to minimise obstruction of the local road network.

- vii. The track that is proposed to be the vehicular access for the development is not considered by the Newton Green Trust, who own the track, or the councillors to be able to support an additional six dwellings on top of the existing twelve dwellings. In the **NNDP Section 6.9** it states that ***“The cumulative impact of proposals will be a material consideration.”*** The councillors consider that the application does not meet the cumulative impact criteria in this regard.
- viii. The councillors are concerned over the proposals for vehicles to access the development via the “existing access” track. Local knowledge would suggest that existing users do not use the track directly in front of the proposed properties to access the A134 and that the “alternative existing access” indicated on the site plan is more commonly used by residents. This means that vehicles travelling along this part of the

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track will drive within a couple of metres of the listed buildings along the track. Councillors would argue that this is not in accordance to **NNDP Section 6.10** which states ***“preserving and enhancing the significance of any heritage asset, including their setting, ensuring their contribution to local character, distinctiveness and sense of place.”***

Conclusion

NPC consider that its NNDP complies with **NPPF paragraphs 13 and 14 (a) and (b)** and understands that Babergh District Council complies with **NPPF paragraph 14 (c) and (d)**.

NPPF paragraph 13.

The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

NPPF Paragraph 14.

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and

d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

It, therefore, asks that **NPPF paragraph 12** be used by Babergh District Council as the basis to refuse permission for this planning application as in the opinion of the councillors outlined above, it does not comply with the NNDP.

NPPF paragraph 12.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. 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.

Should the LPA be minded to grant permission for the application, then the following conditions should be part of any permission:

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1. A construction management plan sets the hours of operation for the development of the dwellings. This should include no deliveries or construction before 9am or after 6pm on weekdays, no deliveries or construction before 9am or after Noon on Saturdays and no deliveries or construction on Sundays. This should also agree the route of the construction traffic across Little Green.
 2. A pound is to be set-up entirely within the site boundary, for parking of contractors vehicles, construction machines and unloading materials. No parking or waiting to be allowed on Little Green or track.
 3. Prior to construction starting, the applicant, at his own cost, upgrades the track on Little Green to a specification agreed by Newton Green Trust, Suffolk Highways and the applicant that is capable of accommodating site traffic and vehicles once the dwellings are occupied. At the end of construction, prior to the first dwelling being occupied, any defects to the specification to be repaired.
- c. The councillors reviewed **Planning Application DC/22/04938 Lily Fields, Rotten Row** - The use of land for the stationing of caravans for residential purposes and the erection of day room and laying of hardstanding ancillary to that use.

The councillors reviewed this application alongside the approval given for the existing pitch in planning application B/12/00706 on the 12th January 2013:

Within the permission the following conditions were included:

4. The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs P. Street.

7. When the land ceases to be occupied by those named in Condition 4 of this decision notice the use hereby permitted shall cease and all mobile homes/caravans, structures, hardstanding, domestic paraphernalia, materials and equipment brought on to the land in connection with the use hereby approved, shall be permanently removed. Within 3 months of the cessation of the use, or other agreed timeframe, the land shall be restored to its condition before the use commenced (a grassland paddock).

From the documents submitted, it is unclear if the proposed pitch is for the occupation by the "resident dependents of Mr and Mrs P. Street" or another family connection.

The councillors have therefore made the following conditional resolutions based on who is planning to occupy the proposed additional pitch:

- If the occupation is not for the "resident dependents of Mr and Mrs P Street" as defined in condition 4 of the planning permission for B/12/00706, then the councillors object to the planning application.
 - If the occupation is for the "resident dependents of Mr and Mrs P Street" as defined in condition 4 of the planning permission for B/12/00706, then the councillors support the application subject to clauses 4 and 7 being included in any permission.
- d. A further planning application had been received since the agenda was posted requiring a response before the next scheduled meeting. The councillors reviewed **Planning Application**

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DC/22/04977 2 Hills Farm Cottages, Sudbury Road - Application for Listed Building Consent - Mounting of new solar panels on the south east facing roof of the 2008 extension granted under B/08/00406 and the councillors resolved to support the application.

- e. The councillors reviewed the status of previous applications, appeals and enforcement referrals (Appendix A).

22/173 Emails circulated

There were no further actions requested of the Clerk in relation to the emails circulated.

22/174 Clerk's Report

Following a review of the Clerk's report (Appendix B) following James Finch's update that SCC Highways will not look at the introduction of a 30mph limit along Rotten Row, then this item will be dropped.

22/175 Finance

- a. All payments made and due for authorisation, as itemised in the RFO Report (Appendix C) as well as payments to Flowers Groundcare of £360.00 and RoSPA of £159.60 were authorised by the councillors. The councillors also noted the income received since the last meeting and reviewed the Statement of Accounts against the budget.
- b. The councillors authorised the annual Direct Debit to pay the Data Protection registration to the ICO from the Unity Trust account.
- c. The councillors agreed to close the Barclays Bank accounts after transferring £35,000 via cheque to the Unity Trust Account.
- d. The councillors resolved to donate £100 towards the RBL Poppy Appeal.

22/176 Newton Footpaths

Discussions are still taking place with local landowners regarding the possibility of permissive footpaths.

22/177 Allotments

There have been no further updates from the solicitor on this transaction.

22/178 HR & Standards Committee's ToR

The councillors reviewed and agreed on the Terms of References for the HR and Standards Committees.

22/179 Assets requiring replacement

The councillors resolved to replace the defibrillator and cabinet at the Village Hall at a net cost, after trade-in, of £2,150 + VAT which will be charged to the CIL budget. There will be an installation cost in addition. The councillors also resolved to replace the NPC laptop with a budget set at £660 +VAT again from the CIL budget.

22/180 Parish Infrastructure Investment Plan (PIIP)

The councillors reviewed the draft PIIP template and agreed to meet in January to plan the community engagement for the process. The following milestones were set for 2023:

- Councillors to agree on draft PIIP at the March 2023 meeting
- Present PIIP to the Newton Annual Assembly in April 2023
- Final NPC approval and submission to Babergh following June 2023 meeting.

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NEWTON PARISH COUNCIL**Minutes of Meeting held on 9th November 2022 at Newton Village Hall****22/181 Christmas Lights**

The councillors agreed to change the Christmas Lights switch-on on Sunday 4th December 2022 to 4pm. Cllr Taylor confirmed that the lights are in working order. A budget of £200 was set should Mrs Parker require any additional decorations.

22/182 Village Hall and Trust updates

The Trust has held a meeting where they agreed to instruct solicitors to review its land boundaries. The Village Hall refurbishment is now complete, and a new sensor light has been installed near the defibrillator. The committee are looking at having a Burns Night event in 2023.

22/183 Meeting dates for 2023

The councillors agreed the following meeting dates for 2023:

- 11th January
- 8th February
- 8th March
- 12th April
- 17th May - Annual Meeting of Parish Council
- 14th June
- 12th July
- 9th August - Provisional for planning
- 13th September
- 18th October
- 8th November
- 13th December

Annual Parish Assembly - 26th April 2023

22/184 Questions to the Chair

No items were raised.

22/185 Next Meeting

The next Meeting of NPC will be held on Wednesday 14th December 2022 starting at 7.30 pm in the Village Hall.

The meeting closed at 8.55 pm.

Appendix A Planning Status

BDC Ref	Application	NPC Ref	NPC Response	BDC Response
DC/22/04495	Little Barn, Sudbury Road - Construction of vehicular access.	22/153a	Support	
DC/22/05029	ValleyFarm House, Valley Road - Application under Section 19 of the Town and Country Planning Act 1990 (as amended) (Listed Buildings and Conservation Areas) - To Vary Condition 2 (Approved Plans and Documents) relating to DC/20/03968 - Alteration to existing vehicular access and demolition of front wall, installation of hard surfaced driveways, patio areas.	22/153b	Support	

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NEWTON PARISH COUNCILMinutes of Meeting held on 9th November 2022 at Newton Village Hall**Appendix B Clerk's Report**

Minute	Action	Complete ✓
21/189	James Finch requested to provide SCC Highways report on speed limit from Joe's Road to Rotten Row.	
22/031	Cllr Taylor liaising with Tree Warden re replacement tree.	
22/087	See Item 22/178 for draft ToR for HR and Standards committees.	✓
22/114 b	BWB have now been given instructions to proceed with the allotment land transfer.	
22/117	Awaiting NGT confirmation of location of defibrillator at Little Green.	
22/147	Minutes sent to BRN and updated on website.	✓
22/152 e	Payments made to suppliers, individuals and organisations.	✓
22/152 f	Contacted Alston Charity and Fireside Club regarding NPC donations.	✓
22/153	Planning responses sent to Babergh.	✓
22/163	Contractor contacted re full bottle banks on four occasions since last meeting.	✓
	Clerk's Actions & Delegated Power	
	None since last meeting.	
	Clerk Hours	
	Up until the 30th October 2022 - 450 hours paid / 405 hours worked plus 45 hours holiday.	

Appendix C RFO Report**Barclays Receipts & Payments 2022 / 2023**

Date	Details	Cheque	Power	Receipts	Payments
05/09/22	Bank Interest			0.36	0.00
05/09/22	Bank Interest			9.85	0.00
10/10/22	BDC CIL			3,381.21	0.00
14/10/22	SCC Footpath grant			177.20	0.00

Unity Receipts & Payments 2022 / 2023

Date	Details	Cheque	Power	Receipts	Payments
20/10/22	Fireside Club - Donation		Localism Act 2011 ss 1 to 8	0.00	100.00
09/11/22	Gardens Arb Business - Footpath cutting 2022		Localism Act 2011 ss 1 to 8	0.00	360.00

Reconciliation

Account	Statement Date	Statement Balance	Actual Balance	Unpresented Cheques	Credits not shown	Difference
Community	30/09/22	£100.00				
Premium Accounts	30/09/22	£36,298.10	£40,207.74	£0.00	£3,809.64	£0.00
Tracker Account	30/09/22	£1,165.62	£1,165.62	£0.00	£0.00	£0.00
Unity Current Account	31/10/22	£16,446.22	£16,086.22	£360.00	£0.00	£0.00
		£54,009.94	£57,459.58	£360.00	£3,809.64	

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NEWTON PARISH COUNCILMinutes of Meeting held on 9th November 2022 at Newton Village Hall**Actual v's Budget**

	Budget	Actual		Reserves	Budget	Actual
Assets B/F		£49,357.31				
Income			Expenditure			
Precept	£13,625.97	£13,625.97	Clerks Salary	£10,730.00		£5,448.88
Grants	£177.20	£2,975.23	Admin	£1,500.00		£1,133.87
Recycling	£700.00	£251.23	Donations	£800.00		£100.00
CIL	£0.00	£17,579.58	Annual Subscriptions	£475.00		£270.51
Bank Interest	£25.00	£14.27	Footpath Maintenance	£300.00		£300.00
VAT Repayment	£0.00	£2,529.97	Insurance	£1,250.00		£1,497.60
Other	£0.00	£37.00	Inspection	£640.00		£635.00
			Maintenance	£0.00		£116.95
			Projects	£2,250.00	£500.00	£2,615.94
			CIL	£28,028.01	£4,200.00	£14,046.71
			Village Hall		£300.00	£0.00
			VAT Paid		£0.00	£2,745.52
			Repay VAT overpayment		£0.00	£0.00
			NNP		£0.00	£0.00
Total	£14,528.17	£37,013.25	Total	£30,278.01	£20,695.00	£28,910.98
			Assets Carried Forward			£57,459.58
Total		£86,370.56	Total			£86,370.56

Project Committed Spending							
Meeting Date	Minute	Supplier	Cost Net	VAT	Total	Project	Budget
15/06/22	22/114b	BWB	£758.00	£151.00	£909.00	Allotments	CIL
15/06/22	22/113	Sudbury TC	£185.00	£37.00	£222.00	Rec Ground	CIL
12/10/22	22/152f	Alston Charity	£100.00	£0.00	£100.00		Donation
			£1,043.00	£188.00	£1,231.00		

FUNDS	
General Reserves (50% of Budgetted Expenditure)	£10,347.50
Current year balance	£10,171.20
Restricted Funds	
CIL	£31,560.88
Newsletter	£2,880.00
Total Restricted	£34,440.88
Earmarked Reserves	
Asset Replacement	£0.00
Village Hall	£0.00
Legal Fees	£1,000.00
Election Costs	£1,500.00
Total Earmarked Reserves	£2,500.00
TOTAL FUNDS	£57,459.58
Unrecovered VAT	£2,745.52

End of Appendices

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