

**NEWTON PARISH COUNCIL**

Minutes of Meeting held on 10<sup>th</sup> August 2022 at Newton Village Hall

**Present:** Councillors Paul Presland (Chairman), David Everett, Rita Schwenk, Phil Taylor and Laura Smith.

**Attending:** Lee Parker (Babergh District Councillor), Dave Crimmin (Clerk) and 18 members of the public.

**22/145 Apologies for Absence**

Cllr Bower (commitment) sent his apologies.

**22/146 Declaration of Interests and Requests for Dispensation**

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

**22/147 Minutes of Meeting held on 13<sup>th</sup> July 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.

**22/148 Public Participation**

The residents who spoke on Planning Application DC/22/03566 raised a number of issues of concern with the application and there were a couple of neighbours who supported the application. The points of concern raised were:

- A number of the Newton Neighbourhood Plan (NNP) policies and sections that were not in accordance with the planning application
- The current level of safety issues with the Little Green track and the impact that a further 6 dwellings would have on the track
- The impact that further emissions from the extra vehicles using the track would have on residents
- The existing potholes on the track
- The difficulty of access onto the A134 from the track in front of Corner Cottage and Juglans
- The closeness of 4 listed buildings if the alternative access track was to be used
- The support that the parish council had received from the village in developing the NNP and the overwhelming support for the NNP at the referendum
- NPC must judge the application against the NNP, which reflected how residents wanted the village to be developed.

The applicant updated the meeting that the land behind the proposed site now formed part of his land holding.

**22/149 Planning**

- a. The councillors reviewed **Planning Application DC/22/03566 Land Rear Of Juglans And Corner Cottage, Sudbury Road** - Erection of 6No. single storey dwellings, ancillary outbuildings and alterations to existing vehicular access and resolved unanimously to object to the application. The background and grounds for their objections 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 planning application to the council on the 17<sup>th</sup> July 2022. The applicant did attend the NPC meeting on the 10<sup>th</sup> August 2022 when the application was reviewed but did not engage with the councillors on any aspects of his scheme.

Signed \_\_\_\_\_

Date

**Newton Parish Council adopted the General Power of Competence on the 13<sup>th</sup> May 2020**

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### Newton Neighbourhood Development Plan (NNDP)

- **23<sup>rd</sup> 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."***
- **24<sup>th</sup> February 2022** - 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?"***
- **2<sup>nd</sup> 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 (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 6<sup>th</sup> dwelling outside the BUAB and the proposal does not reflect the character of the surrounding area.

- 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.

Signed \_\_\_\_\_

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- 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:

*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**

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***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 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.***

Signed \_\_\_\_\_

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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:

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.
- b. No further planning application had been received since the agenda was posted requiring a response before the next scheduled meeting.

**22/150 Recreation Ground**

The councillors reviewed the maintenance options offered by Premier Sports Surfaces for the tennis net and MUGA and resolved to have full maintenance of the MUGA at a cost of £485 + VAT in early September.

**22/151 Questions to the Chair**

The Chairman raised two items or correspondence received from residents.

**22/152 Next Meeting**

The next Meeting of NPC will be held on Wednesday 14<sup>th</sup> September 2022 starting at 7.30 pm in the Village Hall.

**The meeting closed at 8.40 pm.**

Signed \_\_\_\_\_

Date