

DRAFT TOPIC STATEMENT OF COMMON GROUND –Character and Appearance RfR3

APPEAL REFERENCE APP/X3540/W/19/3242636

DATE OF HEARING/INQUIRY 31st March 2020

APPELLANT Capital Community Developments Ltd

1. Appeal reference.

APP/X3540/W/19/3242636

2. Site address.

Land North Of Gardenia Close And Garden Square Rendlesham Suffolk.

3. Areas of Common Ground:

1. This Statement of Common Ground focusses on the design of the development, termed by the Inspector as 'Character and Appearance' though agreed in the case call that the design matters covered by the reason were not as general as this title.
2. There is no dispute over the architecture of buildings or specific house types.
3. Design in respect of residential amenity/living conditions of future occupants is addressed in a separate Statement of Common Ground entitled 'Living Conditions'.
4. The amount of design detail available on the submitted plans for the purpose of design considerations.
5. That the design of the development is to be judged on its own merits, in the context of development plan policy and material considerations.
6. That in the Council's SoC it states at paragraph 5.33:
 - a. *"The Council will demonstrate that the proposed development would fail to create well laid out streets and that its layout would create features, barriers, exposed spaces and boundaries that would not form a safe and socially interactive scheme. The Council confirms that its evidence in respect of design will not focus the architecture of buildings or specific house types. The Design expert witness will make reference to relevant national and local design policy and guidance and Building for Life 12"*.
7. That the Officer's Report to refuse planning application DC/19/1499/FUL states that BfL 12 (2015), in relation to the design reason for refusal, was: *"used to structure this element of the delegated report"*.
8. In respect of Building for Life 12, both Council and Appellant agree to make reference to both the 2015 and 2018 editions in evidence where necessary.
9. The latest version of Building for Life 12 published on the Building for Life website is the 2018 edition, an update of the 2015 edition.
10. The Design Council, as the Government's advisor on Design, have promoted Building for Life and provide the **2015** edition on their website.
11. The decision notice at reason for refusal no.3 refers to Building for Life 12 (**2015**)
12. The footnote to emerging local plan at paragraph 11.8 states 'building for Life 12 – Third Edition Design Council' where the hyperlink takes the reader to the online version of 'Building for Life 12: Third edition - January **2015**'

13. The NPPF states:

“129. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and **assessment frameworks such as Building for Life**⁴⁷. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

The 2019 version of the NPPF refers to footnote 47 as ‘Birkbeck D and Kruczkowski S (2015) Building for Life 12: The sign of a good place to live’.

14. The recently published National Design Guide (2019) refers to the 2015 edition of BfL12.

15. The 2018 edition of BfL 12, included in Appendix Xiii of the Appellant’s Statement of Case, states:

- a. *“BfL12 is primarily a discussion tool – a framework around which issues and ideas can be explored. BfL12 therefore works best if used at the start of the planning process. BfL12 is not designed to be used in isolation as an assessment tool once a planning application has been submitted. If BfL12 has not be[en] used throughout the planning process we do not support its use as a justification for the refusal of a planning application”.*


Areas of Disagreement:

1. The compliance of the scheme with development plan design policies DM21 and DM22.
2. The clarity of the design failings in Reason for Refusal 3.
3. Whether the proposed development complies with the NPPF in respect of design considerations.
4. Whether the Council has made “appropriate use of tools [...] such as building for life” as required by NPPF para 129 and therefore whether its approach to consideration of design been affected.
5. Whether the Proposal complies with the National Design Guide.
6. The compliance of the scheme with design policies of the emerging local plan.
7. The suitability of the steps the Council has taken at all stages in assessing the design of the proposed development.
8. The precedent set by previous decisions in the area.
9. The relevance of expired design policy on consideration of current adopted design policy.
10. *Parties disagree on the use of summarised wording from their respective statements of case (paragraphs*

5.33 – 5.38 of the Council’s Statement of Case and paragraphs 4.38 to 4.58) in this Statement of Common Ground.

11. Parties disagree on each other’s respective stances on design:

- the Council’s design points at paragraphs 5.33 – 5.38 of the Council’s Statement of Case, being the Council’s position on the Design of the proposal and expanded in the Council’s design proof and
- the Appellant’s design points at paragraphs 4.38 to 4.58 of his Statement of Case, being the Appellant’s position on design as expanded on in the Appellant’s proofs of evidence.

Signed on behalf of Appellant	Signed on behalf of East Suffolk Council
Date 12 th March 2020	Date 12.03.20
Steven Bainbridge, Principal Planning Manager (Suffolk), Parker Planning Services Ltd on behalf of the Appellant Capital Community Developments Ltd 	Ben Woolnough Major Sites and Infrastructure Manager 