

James Ryan - Summary Proof of Evidence

Planning Policy and Planning Balance

- 1.1 The main proof has focused primarily on the lack of benefit to outweigh the harm identified when assessed against the adopted planning framework for the area. This reflects the plan led approach to decision making outlined in the revised NPPF.
- 1.2 The Framework states that development that is not well designed should be refused. That is clear and unambiguous.
- 1.3 The Council has determined that the planning application was not in accordance with the development plan, comprising of the Core Strategy, Site Allocations DPD, the Development Policies DPD, the adopted Section 1 Local Plan or the emerging Section 2 Local Plan. The most important development plan policies are up-to-date as set out above and significant weight attaches to the breaches of these (underlined by the Council's ability to demonstrate a 5-year housing land supply). Significant weight also attaches to breaches of emerging policy such as Policy DM15. Further, significant weight is afforded to the revised Framework. It also concluded that material considerations did not indicate that planning permission should nevertheless be granted, balancing the harmful effects of the development against the public benefits, in terms of the local economy and new housing, such as arise from the proposal.
- 1.4 The Council does not consider that the presumption in favour of sustainable development described in the National Planning Policy Framework (paragraph 11) can be properly applied to the proposal in that more specifically, it would not result in a high-quality scheme and is not beautiful.
- 1.5 The starting point for decision making is the Colchester development plan. It has been demonstrated that the proposal does not accord with the development plan. I have also considered other material considerations, but in this instance

(even assuming NPPF paragraph 11(d) were to apply), the proposal's adverse effects demonstrably outweigh those benefits that might arise from it.

- 1.6 Set against benefits would be the harm the results from allowing a development that will not create a high-quality place. Much greater weight must be given to this conflict than the limited benefits of the scheme in light of the recent NPPF changes pursuant to design and beauty.
- 1.7 The Council considers the benefits of the scheme are insufficient either singly or in combination to outweigh the clearly identified harms. Accordingly, taking all relevant matters into account, the harms significantly and demonstrably outweigh the benefits of the appeal proposal. The planning balance is therefore weighted demonstrably against the appeal proposal.