
**Town and Country Planning (Inquiries Procedure) (England)
Rules 2000**

**Appeal by Gladman Developments Limited
Land off Duke's Park, Woodbridge
LPA ref No. DC/15/4788/OUT**

**Against the Refusal of Outline Planning Permission
By
Suffolk Coastal District Council**

"Outline planning application for up to 215 residential dwellings (including up to 33% affordable housing), a Convenience Store (Use Class A1, up to 400sq.m gross/280sq.m net) with associated car parking. Demolition of existing structures, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Ipswich Road and Top Street and associated ancillary works. All matters to be reserved with the exception of the site access."

Statement of Case

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1 INTRODUCTION

1.1 Context

- 1.1.1 This is Gladman Developments Limited (hereafter referred to as the 'Appellant') full Statement of Case (SoC) against the refusal of the outline planning permission for residential development, application ref: DC/15/4788/OUT by Suffolk Coastal District Council (SCDC) for:

'Outline planning application for up to 215 residential dwellings (including up to 33% affordable housing), a Convenience Store (Use Class A1, up to 400sq.m gross/280sq.m net) with associated car parking. Demolition of existing structures, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Ipswich Road and Top Street and associated ancillary works. All matters to be reserved with the exception of the site access.'

- 1.1.2 For the purpose of completeness, a draft list of documents that will be referred to during the course of the appeal is appended to the submitted Statement of Common Ground. These documents may be added to by the Appellant or Council prior to the commencement of the appeal.
- 1.1.3 The Appellant reserves the right to respond to the Council's Statement of Case and adduce additional evidence.
- 1.1.4 The Appellant anticipates that the appeal will take the format of an Inquiry. The Appellant's Justification for Inquiry for this appeal is provided at **Appendix 1**.

1.2 Background

- 1.2.1 This appeal is made by the Appellant against refusal of this application.
- 1.2.2 The Appellant submitted an Environmental Impact Assessment (EIA) Screening Letter and Scoping request to SCDC on 24th July 2014, and following this, to the National Planning Case Work Unit on the 28th August 2014, in relation to whether the application was EIA development. They confirmed to the Appellant that the proposal would constitute EIA development and an Environmental Statement (ES) would be required as part of the application.
- 1.2.3 The application for the proposed development was submitted to the Council on 26th November 2015. The planning application included a comprehensive suite of technical reports in accordance with the Council's planning application validation requirements. It was subsequently validated on 1st December 2015 and given a determination deadline of 22nd March 2016.
- 1.2.4 The Appellant requested a pre-application meeting with the council, however SCDC 'queried' the need for a meeting as they stated that development on the site was 'not a matter which they could offer support to at this stage' (CD3.2). Furthermore, Highways officers at Suffolk County Council also stated they would 'refrain from further involvement' (CD3.2).

- 1.2.5 As a consequence, the Appellant engaged as far as possible in post-application discussions with Planning Officers and other stakeholders in order to try and resolve technical issues which arose through the consultation process. The Appellant wrote to the planning officer at SCDC on the 13th January 2016, summarising the consultee responses to date and requesting any outstanding statutory consultee responses be followed up in order to assist with progressing the application in a timely matter. This process resulted in some technical issues being resolved to the satisfaction of statutory consultees, though many responses were yet to be received.
- 1.2.6 During the statutory consultation period, the Appellant arranged a conference call with the case officer at SCDC, which took place on the 28th January, 8 weeks into the determination period for the application. It was only during this call that the case officer informed the Appellant that the application would be reported to the Council's Planning Committee meeting, to be held on the 24th February, nearly 4 weeks before the 16 week determination deadline. The Appellant wrote to SCDC on the 4th February 2016 to formally request that the application be deferred to allow sufficient time to respond to consultee responses, many of which were still absent. An email response received in regard to this letter from the Council, dated 11th February 2016, stated that the technical issues that remained were not going to overcome the in principle concerns with development on this site.
- 1.2.7 The application was taken to Committee with a recommendation for refusal. Consequently, many outstanding issues remained as the application was taken to Committee prior to the determination deadline, leaving little time for the Appellant to undertake further work to address the technical issues that arose from the statutory consultees. As such, the application was refused.
- 1.2.8 The Planning Officer's Committee Report cited 9 reasons for refusal (RfR). The recommendation was subsequently upheld. A copy of the Decision Notice, published 4th March 2016, is provided in **Appendix 2**.
- 1.2.9 This Statement is drafted on the basis of the reasons for refusal. Should the Council in its full Statement of Case seek to widen the matters upon which this appeal will be considered, the Appellant reserves the right to respond to this change of case and provide additional evidence.

2 THE PROPOSAL

2.1 Site Description

- 2.1.1 The site is 12.67 hectare (31.3 acre) field, contained by scrubby hedgerows and mature trees.
- 2.1.2 The northern extent of the development site is defined by the urban edge of Woodbridge. The A12 runs north to south and forms a strong boundary along the western edge of Woodbridge, containing the existing development of the town. The A12 bypasses the site to the north west. Adjacent to the north of the development site is Ipswich Road and Top Street. Ipswich Road heads north east into the centre of Woodbridge and west connecting into the A12. Top Street links into Ipswich Road adjacent to the northern boundary of the site and heads south connecting into the village of Martlesham.
- 2.1.3 The site itself is bound to the north east by existing residential development on Duke's Park; to the east by Sandy Lane; to the south by small business uses and the East Suffolk railway line; and to the west by the B1438 (Ipswich Road) and Top Street.
- 2.1.4 The site currently comprises neutral grassland, rabbit grazed ephemeral/short perennial vegetation, hedgerows scattered mature trees, ruderal vegetation and a drainage ditch. There are also a number of small dilapidated structures on site.
- 2.1.5 Vehicular access to the site is proposed from two main points. The first is off Ipswich Road to the north of the site via a new ghost island priority junction arrangement which would be constructed to adoptable standards to include footways linking into the site. The second access point is to the south west off Top Street.
- 2.1.6 The proposal and the site description are described in more detail within the Planning Statement and the comprehensive suite of technical reports submitted with the planning application.

2.2 Site Suitability and Sustainability

- 2.2.1 Technical work submitted with the application demonstrates that the site represents a suitable location for residential development, which is sustainably located in relation to the settlement's amenities. Development on the edge of such a settlement benefits from the sustainability credentials inherent of such a location.
- 2.2.2 Woodbridge is identified as one of five towns within the settlement hierarchy set out in the SCDC Core Strategy. The strategy for Woodbridge, as set out in the Core Strategy, is to balance opportunities with the acknowledged physical and environmental constraints, (notably the Deben Estuary with its nature conservation and landscape designations to the east, the A12 to the west, areas at risk from flooding, and its high quality historic built environment) in order to maintain and enhance its roles as the principle market town within the district, an employment centre and a tourist destination. It suggests that further significant expansion of Woodbridge (and Melton) will be sympathetically considered having regard to the local character and key physical thresholds.

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- 2.2.3 Woodbridge is a large historic market town a large extremely well served by a number of services and facilities which are within easy walking and cycling distance of the site, including: food shops, a post office and public houses. Kyson Primary School is also located within 1 mile of the site. Woodbridge has good public transport links both around the town itself and to wider surrounding areas such as Ipswich and Flexistowe.
- 2.2.4 The appeal site forms a logical extension to the south of the town, respecting the current settlement constraints (including the Deben estuary Special Protection Area (SPA) and A12) and pattern of growth. It is a well contained site, with very distinct boundaries.

3 THE COUNCIL'S REASONS FOR REFUSAL

3.1 Introduction

- 3.1.1 Evidence will be provided to contest the Council's RfR (Decision Notice at **Appendix 2**) and demonstrate that the issues they raise are unfounded or can be addressed via common ground, condition or legal agreement. It will show there are no impacts that outweigh the benefits of the development. Planning Permission should have been granted without the need for an appeal. The appeal scheme represents sustainable development in the manner described in the NPPF.

3.2 RfR 1 – Settlement Boundaries & Sustainability

- 3.2.1 *The site lies in the open countryside outside the defined physical limits for Woodbridge where there is a presumption against new development in recognition of its intrinsic character and beauty. Policy SP29 limits new development to that which of necessity requires to be located there. The strategy for Woodbridge, in Policy SP26 is to consolidate the town and to balance opportunities with the acknowledged physical and environmental constraints, including the Deben Estuary with its nature conservation and landscape designations. The site is also not well related in terms of connectivity to the services and facilities within the town centre. The proposal is not considered to be sustainably located and as such is contrary to the provisions of the National Planning Policy Framework and Policies SP1, SPA1, SP19, SP26 and SP29 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.*
- 3.2.2 The Appellant will adduce evidence to demonstrate that the defined limits for Woodbridge are not only time-expired, but of out-of-date in line with Paragraph 49 of the Framework. It will also be evidenced that there is a need for housing in the District and Woodbridge itself to meet the Council's overall housing land supply and objectively assessed housing need as well as the local needs of the town.
- 3.2.3 The appeal site does not lie within any national landscape designations and as such could be improved through carefully designed development to enhance this southern part of Woodbridge. The Appellant will demonstrate that the physical constraints within the town mean that expansion to the south of the settlement and on the appeal site is logical and sustainable location for growth.
- 3.2.4 The Appellant will demonstrate that the site is well related to the existing built form, in a sustainable location with good access to local services and facilities.

3.3 RfR 2 – Planning Obligations

- 3.3.1 *The proposal fails to make adequate provision/contributions (and / or agreement to provide) for facilities/services for the occupants of the dwellings. The applicant has not entered into the necessary legal agreement, which is required to ensure the following is provided:*
- *The provision of a third of the dwellings as affordable housing*
 - *The provision of highway improvements and a travel plan*

- *The provision of enhanced footway/cycle links*
- *The provision and management of open space*
- *Financial contribution towards visitor management within Estuary.*

3.3.2 The Appellant will endeavour to agree the content of the S.106 Obligation with the Council. In the event the Council is unable to execute a Section 106 Agreement(s), a Unilateral Undertaking(s) will be submitted. The Appellant is committed to ensuring all S.106 contribution requests are compliant with the Community Infrastructure Levy Regulations (2010).

3.4 RfR 3 – Archaeology

3.4.1 *The application does not provide sufficient information to enable the archaeological potential of the site to be suitably assessed and this is a requirement prior to the determination of the application.*

3.4.2 The Appellant intends to address this RfR by undertaking further archaeological evaluation through 2% trial trenching on site. The aim of this work is to identify any archaeological features or deposits and determine their significance to allow the local planning authority and their archaeological advisor at SCC to make an informed planning decision. More specifically, the evaluation aims to establish the location, extent, date, character, significance and quality of preservation of surviving archaeological remains within the development area.

3.4.3 The Written Scheme of Investigation (Method statement) has been agreed with the Archaeology Officer at Suffolk County Council.

3.4.4 It is anticipated that this RfR could be addressed through an Archaeological Statement of Common Ground.

3.5 RfR 4 – Highways

3.5.1 *The transport assessment does not adequately reflect the highways impact of the combined residential and commercial development, and the likely impact of the internal traffic diverting to use Top Street access in greater proportions than anticipated. The proposal could therefore result in an unacceptable level of additional traffic onto minor roads.*

3.5.2 The Appellant will adduce evidence which demonstrates that additional information was provided to SCC and SCDC during the application consultation stage, which addressed the issues outlined in this RfR, however this was not presented to members at the planning committee.

3.5.3 Details of the Transport Addendum will be provided and evidence presented to demonstrate that an agreement had been reached with SCC and that a suitable worded planning condition could be imposed to restrict the through-route between the two main access points on Top Street and Ipswich Road.

3.5.4 It is anticipated that this RfR could be addressed through a Highways Statement of Common Ground.

3.6 RfR 5 – Deben Estuary SPA

- 3.6.1 *The application does not provide sufficient information to rule out a likely significant effect on the Deben Estuary Special Protection Area contrary to Policy DM27 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.*
- 3.6.2 A report entitled 'Information to Enable a HRA of the Impacts on the Deben Estuary' produced by Ecology Solutions accompanied the application. Detailed consideration has been given in this report to the potential significant effects arising in relation to the Deben Estuary SPA/Ramsar site.
- 3.6.3 Since the application submission the Appellant has been working with Natural England and agreed to provide further information to address the outstanding information requested to rule out a likely significant effect on the Deben Estuary. It is agreed between the Appellant and Natural England that all ecological concerns with regards to the impact on the SPA would be resolved subject to the provision of this information.
- 3.6.4 The Appellant will therefore present this information to both Natural England and SCDC as the Appropriate Assessor. It is anticipated that this RfR could be addressed through a SPA Statement of Common Ground.

3.7 RfR 6 – Setting of the AONB

- 3.7.1 *The proposals will extend development close to the boundary of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. Development on the site would have a significantly adverse impact on the setting of the AONB. The proposal is therefore contrary to the National Planning Policy Framework and Policy SP15 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.*
- 3.7.2 The site is not within or adjacent to the AONB.. The Suffolk Coast & Heaths AONB is located immediately to the south of the proposed application site, beyond the railway embankment and Sandy Lane, approximately 390m away at its closest point.
- 3.7.3 The Appellant will provide evidence to demonstrate that the appeal site is already heavily influenced by the urban edge of Woodbridge. Whilst development will result in a permanent change from a green field to residential, the site and its surrounds are already influenced by the surrounding 'intrusive features' such as adjacent business uses and railway line. The site is also heavily influenced by the Ipswich Road and the urban edge of Woodbridge, therefore has a stronger relationship to existing development to the north and west on Top Street, than the wider landscape.
- 3.7.4 Consequently development on the site would not be significantly visible in the wider surroundings of the area and where visible it would be seen within the wider urban context of Woodbridge.
- 3.7.5 The Appellant will adduce evidence which demonstrates that the visual influence of the proposed development is limited to short sections of PRow and Long Distance Footpaths located directly to the south. The visual influence is limited by the intervening landform, existing vegetation and the existing infrastructure on the edge of the valley basin. It will be demonstrated that the proposed

structural planting will ensure that a buffer is maintained adjacent to the AONB to the south, which will ensure the quality and the character of the AONB, Martlesham, riverside and the Deben Estuary are maintained. The design team have taken particular care to ensure that the siting and design of the development are sensitive to the wider landscape setting. The development proposals include the retention of existing vegetation along the site boundaries and new tree and hedgerow planting where appropriate to create filtered views of the development from surrounding high quality landscape areas.

3.8 RfR 7 – Open Character

3.8.1 *'Saved' Policy AP212 seeks to maintain the open character of the land which separates, amongst others, Martlesham from Woodbridge to prevent coalescence. The proposal is therefore contrary to Policy AP212 and AP28 of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations) and Policy SP15 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.*

3.8.2 Policy AP212 and AP28 are policies which constrains the supply of housing. Given that the council cannot demonstrate a five year supply of housing, these policies must be considered not up to date in line with paragraph 49.

3.8.3 Notwithstanding the above, the Appellant will adduce evidence which demonstrates that the appeal site does not fulfil the description of being 'open character', given the location of the train line, and residential and business properties on Top Street and Sandy Lane. The proposal site is a logical extension to the town adjacent to the built up area, with the railway line to the south forming a strong boundary to the settlement. Rather, the land to the south of the railway line along Top Street ensures the separation between the two settlements and open character of the land is not hindered.

3.8.4 The appeal site can be accommodated without leading to the visual or physical merging of settlements, eroding the sense of separation between them or resulting the loss of openness and character.

3.9 RfR 8 – Visual Open Space

3.9.1 *'Saved' Policy AP214 recognises that the land lying between Sandy Lane and the A12, including the application site, is a prominent and essential component of the Fynn Valley, lying between the Special Landscape Area to the west and the Area of Outstanding Natural Beauty. The area is important in visual terms, particularly in views from adjacent AONB and it creates a significant open space barrier between Woodbridge and Martlesham. Development on the site would therefore be contrary to saved Policy AP214 of the Suffolk Coastal Local Plan (incorporating the First & Second Alterations).*

3.9.2 The Appellant will adduce evidence which demonstrates that this policy is now time-expired and not up to date in line with Paragraph 49 of the Framework.

- 3.9.3 It will also be demonstrated that the proposed siting and indicative design of the development are sensitive to the wider landscape setting and would not unacceptably detract from the overall character and appearance of the surrounding area.

4 CASE FOR THE APPEAL PROPOSALS

4.1 Accordance with the Development Plan

Saved Policies of the Suffolk Coastal District Local Plan (Adopted 1994, incorporating First and Second Alterations – 2001 & 2004)

Saved Policies

- 4.1.1 The Suffolk Coastal District Local Plan (SCDLP) (Incorporating First and Second Alterations – 2001 & 2004), was first adopted in 1994. A number of Local Plan policies were saved by the Secretary of State's Direction.
- 4.1.2 In the context of decision taking, NPPF paragraph 14 makes clear that '*where the development plan is absent, silent or relevant policies are out-of-date*' the decision maker should grant planning permission '*...unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...*'.
- 4.1.3 The Appellant will demonstrate that the Local Plan policies are significantly out-of-date. The Appellant will adduce evidence in accordance with paragraph 215 of the Framework to demonstrate that the saved Development Plan policies are inconsistent with the Framework and do not allow the authority to plan positively for future growth.

Suffolk Coastal District Core Strategy (2013)

- 4.1.4 The SCDC Core Strategy & Development Management Policies (Core Strategy) was adopted in July 2013. An independent Inspector appointed by the Government examined the soundness of the Core Strategy following its submission to the Secretary of State in May 2012. The Inspector's Report was issued on 6 June 2013. He found the Core Strategy sound and capable of adoption (despite the assessed housing need being based on 2010 figures), subject to a number of main modifications. This was on the grounds that SCDC commence with a review of the housing projections by 2015, to enable additional land to be identified against updated objectively assessed housing needs.
- 4.1.5 The Appellant will demonstrate that the Council has yet to complete this review, and as such does not plan positively for future development to meet the objectively assessed needs of the area.
- 4.1.6 The SCDC Core Strategy was adopted in 2013 with and covers the period up to 2027. However the plan does not seek to meet an up to date OAN. The Inspector of the Core Strategy stated that a review must take place within 2015, this has not yet taken place. Therefore, the Plan is inconsistent with one of the key policies of the NPPF and the presumption in favour of sustainable development applies.
- 4.1.7 The Appellant will produce evidence will be produced that demonstrates that the Council cannot demonstrate a robust 5YHLS when assessed against the OAN. It is also the Appellant's case that paragraphs 14 and 47 of the Framework and the presumption in favour of sustainable development

are engaged and development plan policies relating to the supply of housing cannot be considered up to date.

4.2 The Emerging Site Allocations and Policies DPD

4.2.1 Suffolk Coastal District Council have published the proposed submission version of the Site Allocations and Area Specific Policies DPD for consultation. The proposed submission version of the emerging plan sets out a number of housing allocations to meet the housing requirement set out within the Core Strategy. The Appellant will demonstrate that the DPD does not make provision to meet the full OAN.

4.2.2 In line with paragraph 216 of the NPPF the appropriate weight should be given to the plan. It is agreed between the parties that given the early stages of preparation of the plan, the DPD should be given **limited weight**.

4.3 Martlesham Neighbourhood Plan

4.3.1 Consideration will be given to the Neighbourhood Plan area of Martlesham, which is at the early stages of preparation.

4.4 National Planning Policy Framework

4.4.1 The Appellant will demonstrate that having regard to the proper application of the Framework the following can be said of the appeal proposals:

4.4.2 The proposal strongly accords with the aims of the Framework, insofar as it will deliver sustainable development. The site is located within a sustainable location for additional housing growth.

4.4.3 The proposal site is accessible by sustainable transport links and will support local facilities and services. Evidence will be provided which outlines how the development will be consistent with all aspects of sustainable development.

4.4.4 It will be demonstrated that the appeal proposal benefits from the presumption in favour of sustainable development and that they strongly accord with the Core Planning Principles set out in paragraph 17 of the Framework.

4.4.5 It is clear that the Saved Policies of the Suffolk Coastal District Local Plan (SCDLP) is time-expired; any proper interpretation of the test at paragraph 14 of the Framework, would conclude it cannot be considered anything other than "out-of-date".

4.4.6 The Suffolk Coastal District Core Strategy (SCCS) fails to plan to deliver the full OAN over the Plan period. It fails to conform to one of the core policies of the NPPF and is therefore out-of-date. As a result, the presumption in favour of sustainable development applies to the determination of the appeal proposals.

- 4.4.7 Evidence will be adduced that SCDC does not have a 5-year Housing Land Supply (HLS) when calculated against the true OAN. In this circumstance, paragraph 49 of the Framework provides extremely clear guidance that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

- 4.4.8 In the context of decision taking, Paragraph 14 of the Framework makes clear that “where the development plan is absent, silent or relevant policies are out-of-date” the decision maker should grant planning permission “...unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...”.
- 4.4.9 The Appellant contends that the presumption in favour of sustainable development is applicable to the appeal proposals, regardless of the 5YHLS position.
- 4.4.10 The appeal proposals will deliver new housing development which will assist SCDC by contributing towards the remediation of the land supply and will also assist in meeting the central government objective of “boosting significantly” the supply of housing.
- 4.4.11 In accordance with Paragraph 14 of the Framework, there are no adverse impacts arising from the appeal proposals which would significantly and demonstrably outweigh the benefits the development will deliver. There are no specific policies of the Framework which would preclude the development and in the circumstances; the Framework directs that planning permission should be granted.

4.5 Five-Year Housing Land Supply

- 4.5.1** The Council’s claimed deliverable supply, as at 31st March 2015, is set out in their Housing Land Supply Assessment 2015 (June 2015). This covers the five year period between 1st April 2016 to 31st March 2021. In the statement SCDC claim that they have a 5.12 year supply, equivalent to an oversupply of 67 dwellings over five years.
- 4.5.2 The Appellant considers the Council is unable to demonstrate a 5 year supply of housing land. A recent planning appeal decision at Framlington¹ outlines that the Council’s Housing Land Supply is likely to be less than 3.7 years (Para 27 &28).

The Appellant anticipates that it will be agreed in the Statement of Common Ground that SODC are unable to demonstrate a 5YHLS. As such NPPF §49 and §14 apply, and the presumption in favour of sustainable development is engaged unless any harm ‘significantly and demonstrably’ outweigh the benefits.

¹ Appeal Reference - APP/J3530/W/15/3011466

5 PLANNING BALANCE

- 5.1.1 It is the Appellant's case that there are considerable benefits associated with the proposed development and no adverse impacts which outweigh these benefits. There are no other specific policies of the Framework that when considered in the context of the evidence to be presented would preclude or restrict the development.
- 5.1.2 Furthermore, the proposals represent high quality, sustainable development contributing to the social, environmental and economic roles of sustainable development defined in the Framework. They also accord with many of the core planning principles within paragraph 17 of the Framework. In this context the Appellant's case will explain why planning permission should be granted.
- 5.1.3 Evidence will be presented which examines the planning balance between the benefits of the proposed development and any potential adverse impacts and their significance. The Appellant will explain the range of benefits associated with the proposed development and how they contribute to sustainable development.
- 5.1.4 Evidence will be presented which will consider the potential for any adverse impact from the proposed development and opportunities for mitigation if necessary.
- 5.1.5 The Appellant will explain how the proposed development in the context of this planning balance, positively contributes to the social, economic and environmental roles of sustainable development set out in paragraph 7 of the Framework and further accords with many of the core planning principles set out in paragraph 17 of the Framework.

6 PLANNING CONDITIONS AND S.106 AGREEMENT

6.1 Planning Conditions

6.1.1 A draft list of conditions is contained within the Statement of Common Ground.

6.2 Section 106 Legal Agreement

6.2.1 The Appellant will endeavour to agree the content of the S.106 Obligation with the Council. In the event the Council is unable to execute a Section 106 Agreement(s), a Unilateral Undertaking(s) will be submitted.

6.2.2 A draft Heads of Terms is attached to the Statement of Common Ground. The Appellant will endeavour to agree the content of the obligation with the Council ahead of any Public Inquiry where contribution requests are CIL Compliant (Regulation 122) and in accordance with paragraph 204 of the Framework. In the event the Council is unable to execute a Section 106 Agreement(s), a Unilateral Undertaking(s) will be submitted.

7 SUPPORTING DOCUMENTATION

7.1 Core Documents

- 7.1.1 The Appellant has prepared a draft list of Core Documents which may be referred to by parties at the Inquiry. The Core Documents will assist in referencing documents in proofs of evidence. This draft list of Core Documents is appended to the draft Statement of Common Ground. It is hoped that the Council will provide constructive comment on the Core Document list so that this can be agreed as soon as possible. Once the list is agreed a complete set of the Core Documents will be supplied with the proofs of evidence.

8 WITNESSES

8.1 Scope of Evidence

8.1.1 If necessary and in conjunction with the SoCG, the Appellant will produce evidence on the following matters:

- Sustainability
- Obligations;
- Archaeology (if this cannot be agreed through Common Ground);
- Transport & Highways (if this cannot be agreed through Common Ground);
- Impact on Landscape & Character;
- Impact on the SPA (if this cannot be agreed through Common Ground);
- Compliance with Planning Policy; and
- The overall planning balance.

8.1.2 The Appellants are likely to call witnesses to deal with these matters:

- Archaeologist;
- Transport Consultant;
- Landscape Consultant;
- Ecology Consultant;
- Sustainability Consultant;
- Planner.

9 CONCLUSION

9.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Appellant will evidence that material considerations (such as the lack of a deliverable five-year housing land supply) indicate that the Appeal should be approved.

9.1.2 Any minor adverse impacts do not, when taken as a whole or cumulatively, '*significantly and demonstrably*' outweigh the benefits of the scheme. The NPPF makes clear that only when a decision taker reaches the point where adverse impacts significantly and demonstrably outweigh the benefits, which is not the case here, permission should be refused. None of the technical reports submitted as part of the application indicate a technical constraint preventing the site's development.

9.1.3 The Appellant will invite the Inspector to grant planning permission, as this is clearly a case where the benefits of the scheme significantly and demonstrably outweigh any perceived impacts. A summary of the benefits is set out below:

- The provision of up to 215 dwellings, all of which are capable of being delivered within the next five years (against a housing land supply deficiency);
- The provision of 33% affordable houses on site (against a considerable affordable housing need).
- Provision can be made for all necessary contributions (which meet the relevant statutory tests).
- The provision of local convenience retail facilities for new and existing residents, reducing private car trips and encourage walking.
- The provision of new bus stop infrastructure adjacent to the site and improvements to the public footpaths towards Woodbridge.
- The landscape and design led approach provides a considerable amount of open space (4.41 ha), including the creation of a Local Equipped Area of Play and a central corridor of amenity green space and green infrastructure.
- The scheme offers the potential to enhance the biodiversity on the site.
- Substantial economic benefits.

9.1.4 The Appellant contends that there is no significant adverse impacts resulting from the scheme on:

- Transport and Highways

- Air Quality
- Arboriculture
- Ecology/Biodiversity
- Flood Risk/Drainage
- Landscape and Visual Impact
- Public Rights of Way
- Noise; or
- Heritage/Archaeology

9.1.5 The proposals strongly accord with the key objectives and policies laid down within the Framework as a whole. There are no adverse impacts (either singularly or cumulatively) which would significantly and demonstrably outweigh the benefits of the development.

9.1.6 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is respectfully requested that the Appeal should be allowed.

APPENDIX 1 – JUSTIFICATION FOR INQUIRY

APPENDIX 1

Land off Duke's Park, Woodbridge – Justification for Inquiry Procedure

This Appeal relates to a refusal of "Outline planning application for up to 215 residential dwellings (including up to 33% affordable housing), a Convenience Store (Use Class A1, up to 400sq.m gross/280sq.m net) with associated car parking. Demolition of existing structures, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Ipswich Road and Top Street and associated ancillary works. All matters to be reserved with the exception of the site access."

The Appellant considers an Inquiry to be the only suitable procedure for the consideration of this matter. This document sets out a justification for this, taking into account the criteria set out in the PINS guidance document dated 3 March 2016 entitled "Planning Appeals – England", Annexe K.

Based on the Reasons for Refusal (RfR) and current circumstances in SCDC, the Appellant considers the following factors are material:

(a) need for the evidence to be tested through formal questioning by an advocate

There are eight reasons for refusal, with the outstanding matters including impact upon landscape, and whether the scheme represents sustainable development and benefits from the presumption in favour of sustainable development. The reasons for refusal are considered both technical and legal issues. In which the appellant will require to be represented by an advocate testing the credibility of the putative reasons for refusal which could only be resolved through cross-examination.

In relation to the housing land supply position, which may or may not be agreed in the Statement of Common Ground, and the degree of shortfall, emerging case law means detailed legal submission are also likely on matters arising out of a number of cases, including:

- *Council of St Albans v R (on the Application of Hunston Properties Ltd and Secretary of State for Communities and Local Government and anr [2013] EWCA Civ 1610.*
- *Cotswold District Council v Secretary of State [2013] EWHC 3719 (Admin) (28 November 2013).*
- *Gallagher Homes Ltd & Lioncourt Homes Ltd v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin).*

(b) the issues are complex

At the time of the decision, the Council considered that were able to demonstrate a 5 year supply of housing land based upon recent appeal decisions. The Appellant considers at the time of the application the Council were unable to demonstrate a 5 year supply of housing land.

The appellant disputes the claimed level of supply and requires cross examination, in the event that this is not agreed in the Statement of Common Ground, to establish that SCDC cannot demonstrate a 5 year supply as well as the quantum of deficiency.

The Council in RfR 1 contend that there is a presumption against development, whereas

the appellant will adduce evidence to demonstrate the proposals should benefit from such presumption of sustainable development. A further issue is regarding the correct interpretation and application of paragraph 14 of the Framework.

The issues in this case are multifaceted, and will be more complex than the matters which can be addressed in a Hearing procedure.

(c) Substantial local interest

The planning application subject of this appeal also raised over 76 letters of representation from third parties and objections from the Martlesham Parish Council and other adjacent Parish Councils.

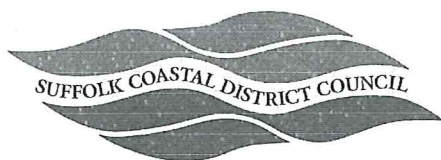
The matter is plainly of significant interest to local people and the level of interest and number of people who may wish to speak are likely to make this impossible to manage within the time and procedural constraints of a hearing.

The Appellant expects to use up to 6 Expert Witnesses to advance its case (though this is subject to change) and the Council may well require a similar number. On the basis of the current RfR, Gladman have estimated 6 days for this Inquiry, however this could take longer depending on the Councils stance on 5 year housing land supply and matters of agreement reached before the inquiry begins.

Given this, there is no prospect whatsoever of the case being completed in one day (or even a two day hearing).

For the above reasons, the Appellant considers an Inquiry is the only appropriate procedure in this case.

APPENDIX 2 – DECISION NOTICE



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010

DC/15/4788/OUT

AGENT

Gladman Developments Limited
Gladman House
Alexandra Way
Congleton
Cheshire
CW12 1LB

APPLICANT

Gladman Developments Limited
Gladman House
Alexandra Way
Congleton
Cheshire
CW12 1LB

Parish

Martlesham

Date Valid

1st December 2015

Proposal:

Outline planning application for up to 215 residential dwellings (including up to 33% affordable housing), a Convenience Store (Use Class A1, up to 400sq.m gross/280sq.m net) with associated car parking. Demolition of existing structures, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Ipswich Road and Top Street and associated ancillary works. All matters to be reserved with the exception of the site access.

Site:

Land And Buildings To The East Of Bridge Farm, Top Street, Martlesham

SUFFOLK COASTAL DISTRICT COUNCIL as Local Planning Authority hereby **REFUSE TO PERMIT** the development proposed in your application and plan(s) attached thereto.

The reason for the decision to refuse permission is:

1. The site lies in the open countryside outside the defined physical limits for Woodbridge where there is a presumption against new development in recognition of its intrinsic character and beauty. Policy SP29 limits new development to that which of necessity requires to be located there. The strategy for Woodbridge, in Policy SP26 is to consolidate the town and to balance opportunities with the acknowledged physical and environmental constraints, including the Deben Estuary with its nature conservation and landscape designations. The site is also not well related in terms of connectivity to the services and facilities within the town centre. The proposal is not considered to be sustainably located and as such is contrary to the provisions of the National Planning Policy Framework and Policies SP1, SP1A, SP19, SP26 and SP29 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.
2. The proposal fails to make adequate provision/contributions (and/or agreement to provide) for facilities/services for the occupants of the dwellings. The applicant has not entered into the necessary legal agreement, which is required to ensure the following is provided:
 - The provision of a third of the dwellings as affordable housing
 - The provision of highway improvements and a travel plan

- The provision of enhanced footway/cycle links
- The provision and management of open space
- Financial contribution towards visitor management within the Deben Estuary

The proposal is therefore contrary to the NPPF and Policies SP1, SP11, SP16, SP17, SP18, SP26, DM2 and DM32 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.

3. The application does not provide sufficient information to enable the archaeological potential of the site to be suitably assessed and this is a requirement prior to the determination of the application.
4. The transport assessment does not adequately reflect the highways impact of the combined residential and commercial development, and the likely impact of the internal traffic diverting to use the Top Street access in greater proportions than anticipated. The proposal could therefore result in an unacceptable level of additional traffic onto minor roads.
5. The application does not provide sufficient information to rule out a likely significant effect on the Deben Estuary Special Protection Area contrary to Policy DM27 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.
6. The proposal will extend development close to the boundary of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. Development on the site would have a significantly adverse impact on the setting of the AONB. The proposal is therefore contrary to the National Planning Policy Framework and Policy SP15 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.
7. 'Saved' Policy AP212 seeks to maintain the open character of the land which separates, amongst others, Martlesham from Woodbridge to prevent coalescence. The proposal is therefore contrary to Policy AP212 and AP28 of the Suffolk Coastal Local Plan (incorporating the First & Second Alterations) and Policy SP15 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.
8. 'Saved' Policy AP214 recognises that the land lying between Sandy Lane and the A12, including the application site, is a prominent and essential component of the Fynn Valley, lying between the Special Landscape Area to the west and the Area of Outstanding Natural Beauty. The area is important in visual terms, particularly in views from the adjacent AONB and it creates a significant open space barrier between Woodbridge and Martlesham. Development on the site would therefore be contrary to saved Policy AP214 of the Suffolk Coastal Local Plan (incorporating the First & Second Alterations).



Philip Ridley BSc (Hons) MRTPI
Head of Planning & Coastal Management
Suffolk Coastal and Waveney District Councils

Date: 4th March 2016

PLEASE READ NOTES BELOW

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to conditions, he may appeal to the First Secretary of State. The applicant's right to appeal is in accordance with the appropriate statutory provisions which follow:

Planning applications: Sections 78 and 79 Town & Country Planning Act 1990

Listed Building applications: Section 20, 21 and 22 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 220 and 221, Town and Country Planning Act 1990 Regulation 15 Town & Country Planning (Control of Advertisements) Regulations 1989.

2. **Notice of appeal** in the case of applications for advertisement consent must be served within **two months** of the date of this notice. Householder planning applications must be served within **twelve weeks** of the date of this notice. In all other cases, notice of appeal must be served within **six months** of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; or online at <http://www.planningportal.gov.uk/planning/appeals/>. The Planning Inspectorate website can be viewed at <http://www.planning-inspectorate.gov.uk/>.

3. The First Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

4. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development or works which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 114 and 116 of the Town and Country Planning Act 1990.

APPENDIX 3 – THIRD PARTY MATTERS

CONSIDERATION OF THIRD PARTY COMMENTS

1 Introduction

1.1 Purpose

- 1.1.1 This document summarises, responds, and gives due consideration to the relevant interested party representations submitted to Suffolk Coastal District Council as part of the planning application process.

1.2 Summary of Comments and Responses

- 1.2.1 Responses to the planning application are summarised below, together with the applicant's response in the table below:

SUMMARY OF COMMENTS	RESPONSE
Location of Development <ul style="list-style-type: none">The site lies in open countryside outside the defined physical limits for Woodbridge.Land in Martlesham for large scale development has been identified.Coalescence between Woodbridge and Martlesham.Loss of green and open space.	<ul style="list-style-type: none">Suffolk Coastal District cannot demonstrate a five year supply of housing, and therefore needs to identify sites for housing beyond the physical boundaries of settlements.Woodbridge is identified as one of the main towns within Suffolk Coastal District. Woodbridge is a sustainable settlement with a number of key services and sustainable transport links.The development site is adjacent to the urban area of Woodbridge and the physical limit of the settlements is restricted by the railway line.Public open space is provided on site, this will be accessible for existing residents and new residents from the development. The Public Open Space will comprise of areas of informal open space, children's play space, formal footpaths and woodland planting.
Planning Policy <ul style="list-style-type: none">Contrary to SCDC Local Plan Policies DM3, SP19, SP15 and SP29.Unsustainable development contrary to the NPPF.The Council has a 5 year supply of housing land.	<ul style="list-style-type: none">The identified policies are policies which restrict the supply of housing, these policies are considered to be out-of-date given the lack of a housing land supply.The development fulfils all three roles of sustainable development identified within the NPPF, which is explained within the Gladman Statement of Case.As stated within the recent appeal decision (15/3011466) at Framlingham the Council cannot demonstrate a five year supply of housing.

Impact on AONB <ul style="list-style-type: none"> Visually detrimental to the AONB and the setting of the AONB. 	<ul style="list-style-type: none"> A landscape buffers have been proposed on the development with limits the visual impact from the AONB.
Impact on Deben Estuary <ul style="list-style-type: none"> Impact on the Deben Estuary Special Protection Area, SSSI, RAMSAR and Special Landscape Area. 	<ul style="list-style-type: none"> It has been agreed with Natural England that the development will not have a significant effect on the Deben Estuary.
Highways <ul style="list-style-type: none"> Increased traffic and highway safety on already congested roads (in addition to other planned development). Increased risk to walkers and cyclists. Sandy Lane is unsuitable for more traffic. There is a lack of parking along Top Street. Increased risk to walkers and cyclists. 	<ul style="list-style-type: none"> A transport assessment was submitted as part of the application and concludes that the development would be acceptable in highways terms. Additional work had been completed throughout the application to address the comments from the Highway Officer. Footpath improvements along Ipswich Road are being proposed as part of the development.
Facilities and services <ul style="list-style-type: none"> Will overload existing infrastructure and school provision locally. Limited employment opportunities in the area. 	<ul style="list-style-type: none"> A payment will be made through CIL which will address the provision of school places within Woodbridge. Woodbridge is a sustainable settlement with a number of employment opportunities. Woodbridge also has good transport links to additional employment areas including Ipswich.
Retail unit <ul style="list-style-type: none"> The site for the convenience store is inappropriate. 	<ul style="list-style-type: none"> The Convenience Store will provide for both the existing residents and new residents. The shop is located within a sequential preferable location.
Additional <ul style="list-style-type: none"> Overdevelopment of the site. Loss of quality of life for existing residents. 	<ul style="list-style-type: none"> The development framework plan show development of up to 28 dwelling per hectare. This is considered to be an efficient use of the land. The relationship with the adjacent residential development has been considered as part of the development framework plan. The development will bring a number of benefits which will benefit the existing residents.