

Tuddenham Residents Objectors
Representation to the Planning Inspector
Ref: APP/X3540/W/24/3352886

Land off Keightley Way, Tuddenham, Ipswich

Residential Development for 25 New Dwellings

DC/22/3748/FUL

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1. Introduction

- 1.1** The Application for full planning permission (DC/22/3748/FUL) was submitted to East Suffolk Council on the 21st September 2022, along with a complete set of planning documents.
- 1.2** The site is identified in the Local Plan as Policy SCLP 12.66, and Appendix B of the Local Plan states that Critical Infrastructure improvements to the Access, Footway and Public Rights of Way, are to be delivered along with the development.
- 1.3** The Applicant did not seek any pre-application advice or assistance from the local authority and there has been no engagement with the local community ([Ref 1](#)).
- 1.4** The Application DC/22/3748/FUL, first went to the East Suffolk Planning Committee South on the 23rd January 2024. The Objectors' representative presented material concerns to the Committee. The decision to determine the application was deferred so that members could undertake a site visit to understand the nature of the site area.
- 1.5** The site visit took place on the 27th February 2024 followed in the afternoon by the 2nd Planning Committee meeting. The officers report to the Planning Committee recommended to Approve the application.
- 1.6** At the Committee meeting, the Objectors' representative presented their material concerns, and the committee members voted not to approve the application. However, rather than vote on the various reasons to refuse the application, the members were encouraged to vote for a second deferral to allow officers to seek independent advice on '*safety, integration and connectivity of the development with the existing community*'. The Planning Office invited the Tuddenham Resident Objectors Group to input to this process. Note: After the Planning Committee, a resident raised a complaint to the Ombudsman about the voting procedure and about errors in the officer's report to the Planning Committee. The Ombudsman did not investigate the complaint because '*the Council was still considering the planning application at the centre of the complaint*', and it was judged that because of this, '*the*

complainant had not suffered a significant personal injustice to justify an investigation’.

- 1.7** The Planning Office selected Brookbanks to provide an independent review. On the 15th April, Objectors submitted a report of our material concerns on Safety, Integration and Connectivity as input to the independent review ([Ref. 2](#)).
- 1.8** The final version of the report from Brookbanks was published in June 2024 ([Ref. 3](#)). We challenged many aspects of this review ([Ref. 4](#)). Brookbanks did no independent data collection, and they did not refer to or assess any concerns raised in the Resident Objectors submission. That aside, the overall review by Brookbanks concluded *‘there is insufficient traffic data provided to qualify the potential impact’*.
- 1.9** Circumstances beyond the councils control extended the delay to determining the Application. The Planning Office was likely to bring the Application to the Planning Committee in November 2024. Unfortunately, the Applicant then decided to Appeal against non-determination. As a result, residents will not get an opportunity to speak again at the Planning Committee having been confident that the members would refuse the application. Nothing about the plan has changed since September 2023, and members have already voted not to approve the plan in February 2024.
- 1.10** In their statement of case (SOC), the applicant asserts that *‘The only matter of dispute is the suggestion that the Application makes improvements to the existing highways issues within the village.’* This is incorrect; there are numerous omissions in the SOC ([please read summary Ref 6](#)) and also, as described below, there are numerous material considerations that the Applicant has failed to acknowledge.
- 1.11** The Tuddenham Residents Objectors request that the Planning Inspector refuse the proposed development because it does not comply with the Local Plan or the NPPF. We urge the Planning Inspector to examine each of the material concerns presented in this document; we believe each of them to be a valid material reason to refuse the proposed development.

2. Summary of Material Considerations

DC_22_3748_FUL does not comply with the Local Plan: In this section, we have summarised nine material considerations and each of these relate to non-compliances against a different policy statement in the Local Plan. A more detailed analysis, and references to the Local Plan are provided in Sections 3 through to 11. Links to these are embedded in each heading below.

2.1 [Critical infrastructure cannot be provided](#): SCLP 12.66 Appendix B requires *Critical Infrastructure to improve Access, footway, and Public Rights of Way* and this cannot be provided. By the definition given in Appendix B, the developer will not be able to start construction. Appendix B states '*Critical infrastructure is infrastructure that is needed to unlock development sites allocated in the Local Plan*'. SCC Highways maintain that there is a need to add pedestrian facilities as quoted here '*SCLP policy 12.66 Appendix B, page 471, we request either £100,000 for pedestrian facilities from the site to local amenities, including local bus stops*'. All parties now accept that High Street is too narrow to construct a footway to provide safe pedestrian access to the village, including the local bus stops.

2.2 [There is no safe pedestrian access](#): High Street is the only pedestrian access to the village and to the bus stops. Over [100 images of recent traffic incidents](#) have been provided as evidence that High Street is unsafe for pedestrians. Also, **201** Residents of Tuddenham have signed to testify to their belief that because there is no footway on High Street the plan does not provide safe access to the village or the bus service.

2.3 [There is poor access to services and no PROW](#): The application will only provide new residents with access to a children's play area, a playing field, and a village hall. There is no footway, and all parties accept that a new footpath to village services via footpath 10 would not be suitable for a Major Development. High Street is the only pedestrian access to village services from the Land off Keightley Way and does not even meet the criteria in the Local

Plan for a small cluster of 4 or 5 houses, *'eg through the existence of a continuous footpath.'* High Street is a narrow hill with steep sides, on-street parking, and no footway.

In 2018, a site at Fynn Lane (DC/18/0013/OUT), was refused planning permission after Appeal because it was *'poorly related to local shops/services'*, and *'few alternative modes of transportation would be available and therefore travel to-and-from the site would be dependent upon private motor vehicles'* ([Ref 8](#)). Access to services for the Land off Keightley Way is far worse than the access for the site at Fynn Lane, and the adverse impacts much greater.

2.4 [Cumulative developments require a travel survey and plan:](#) There have been cumulative developments adding over 80 properties west of High Street. The Local Plan SCLP7.1 requires this scale of development to have a travel survey and travel plan. Brookbanks conclude *'there is insufficient traffic data provided to qualify the potential impact'*. This development will increase the risks of conflict between different road users. Highways have stated the development does not meet the threshold for a travel survey/plan; we say it does.

2.5 [Parked cars will block emergency access:](#) SCC Highways consider that the parking allocation is *'generally acceptable'*, but analysis has shown that this plan is likely to cause new residents to park 11 additional cars in Keightley Way. For existing residents this is one of the most critical concerns about the development but so far, the SCC Highways, the Planning Office and the Applicant have all rejected this concern. The Applicant needs to provide a revised site layout with a shared parking facility for new residents in a public area of the site. The Objectors are not requesting this as a fix for the existing access difficulties, as claimed by the Applicant, but rather, it is to ensure the development does not add to the problem. Brookbanks failed to do any analysis on this safety concern. This is fundamental to the site layout, and we request that the Planning Inspector refuse the proposed development.

- 2.6 The Cycle/Pedestrian Link is unsafe and non-compliant:** The site plan for a cycle/ pedestrian link is unsafe and does not meet the conditions set out in the Local Plan, Policy 12.66 d). The cycle link in the plan does not connect to either the Playing Field or to Keightley Way and has no value. As an aside, Highways objected to the layout in August 2023, but the Applicant has done nothing to resolve this. Brookbanks did not comment on the safety of the cycle/pedestrian-link. This is fundamental to the site layout, and we request that the Planning Inspector refuse the proposed development.
- 2.7 No pre-application advice was sought, and community not engaged:** Even though Policy 12.66 in the Local Plan requires Critical Infrastructure to unlock the site, the Applicant failed to seek pre-application advice from the local council and has failed to engage with the community at any stage. Over the 12 months of review the Applicant has not addressed any of the material concerns we have raised. Much of the cost and delays could have been avoided had they followed the advice in the Local Plan and the NPPF.
- 2.8 The plan is not the right solution for this site:** The Plan does not provide elderly residents with housing integrated to village services. Also monthly estate management costs and travel costs are incompatible with providing affordable housing at 20% below market rates; the site layout is poor and not in keeping with the village.
- 2.9 The flood mitigation measures need updating:** Since the last Planning Committee meeting there has been a Scoping Opinion request for extraction of 1,700,000 tonnes of sand and gravel (>1,000,000 cubic metres) within 338 meters of the Land off Keightley Way ([Ref 9](#)). ES Planning have '*no objections*' to this request and the SCC Development Manager has stated '*In principle, I consider the locations identified on the Location Plan MW (TRU) 1(3) suitable for minerals extraction with subsequent inert waste processing and infilling*'. As per the requirements in the Suffolk Minerals & Waste Local Plan, the Applicant needs to have the flood contingency measures for DC/22/3748/FUL

re-assessed. This is a serious concern and it is also noted that there was an oversight in the Planning Inspectorate Questionnaire ([Ref 7](#)) Part2 10 where it failed to notify the Planning Inspectorate of an underground mineral interest at or within 400 metres. The design for flood mitigation is fundamental to the site layout and the Objectors request that the Planning Inspector refuse the proposed development.

Sections 3-11 provide further details and references to the Local Plan for each of the nine material considerations. Each section explains non-compliances in relation to a different policy statement in the Local Plan.

3. Critical infrastructure cannot be provided.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the Local Plan Appendix B Page 458 and 471 SCLP 12.66

Infrastructure is categorised according to the following three categories; critical, essential and desirable.

Critical infrastructure is infrastructure that is needed to unlock development sites allocated in the Local Plan.

Project	Priority	Lead Provider	Approximate Cost	Funding Sources	Potential Funding Amount	Potential Developer Contribution	Type of Developer Contribution	Potential Remaining Funding Gap	Potential Funding Sources to Fill Gap	Timescale/Progress
Access, footway and Public Rights of Way improvements at Land off Keightley Way, Tuddenham	Essential/Critical	Developer	£100,000	Developer	N/A	£100,000	S278/S106	Unknown	Unknown	Short – Medium term (with development of site)

Appendix B: Critical Improvements to be delivered with the development of site.

3.1 Critical Infrastructure cannot be provided: Appendix B SCLP 12.66 requires Critical Infrastructure to improve Access, footway, and Public Rights of Way. However, all parties accept that these improvements cannot be delivered.

3.1.1 No critical infrastructure = No development: The Local Plan is clear in Appendix B where it states, '*Critical infrastructure is infrastructure that is needed to unlock development sites allocated in the Local Plan*'. As there is no plan to deliver the Critical Infrastructure, the site allocation remains locked, and the developer will be unable to start construction.

3.1.2 SCC Highways have been clear on their requirement: At all stages, including their final submission, SCC Highways have repeatedly maintained the need to add pedestrian facilities as quoted here- *‘SCLP policy 12.66 Appendix B, page 471, we request either £100,000 for pedestrian facilities from the site to local amenities, including local bus stops’.*

3.1.3 Highways changed their objection to generic conditions for unknown reasons: Right up to November 2023, Highways repeated their holding objection in each submission on grounds of Sustainable Transport and Highways Safety. The Applicant has not submitted any changes to the Application or Access Infrastructure but in November 2023 SCC Highways changed their objection to a set of more generic conditions still covering all previous reasons for their objection. A request to Officers to clarify what caused this change did not get a response. However, even in their latest conditions SCC Highways still maintained the need for *‘SCLP policy 12.66 Appendix B, page 471, we request either £100,000 for pedestrian facilities from the site to local amenities, including local bus stops’.*

3.1.4 High Street is too narrow for a Footway: All parties now accept that High Street is too narrow to construct a footway to provide safe pedestrian access to the village, including local bus stops. It is therefore not possible for any party to deliver the Critical improvements to Access, footway and Public Rights of Way required by the Local Plan.

4. There is no safe pedestrian access.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the Local Plan SCLP 7.1 - Development will be supported where:

d) It is located close to, and provides safe pedestrian and cycle access to services and facilities;

g) It reduces conflict between users of the transport network including pedestrians, cyclists, users of mobility vehicles and drivers and does not reduce road safety

There is no safe pedestrian access to the village or to the bus stops. The development will reduce road safety in Tuddenham, and it will increase the potential for conflict between all road users. High Street is the only pedestrian access to the village. It is a narrow hill with no footway, steep banks, and regular on-street parking.

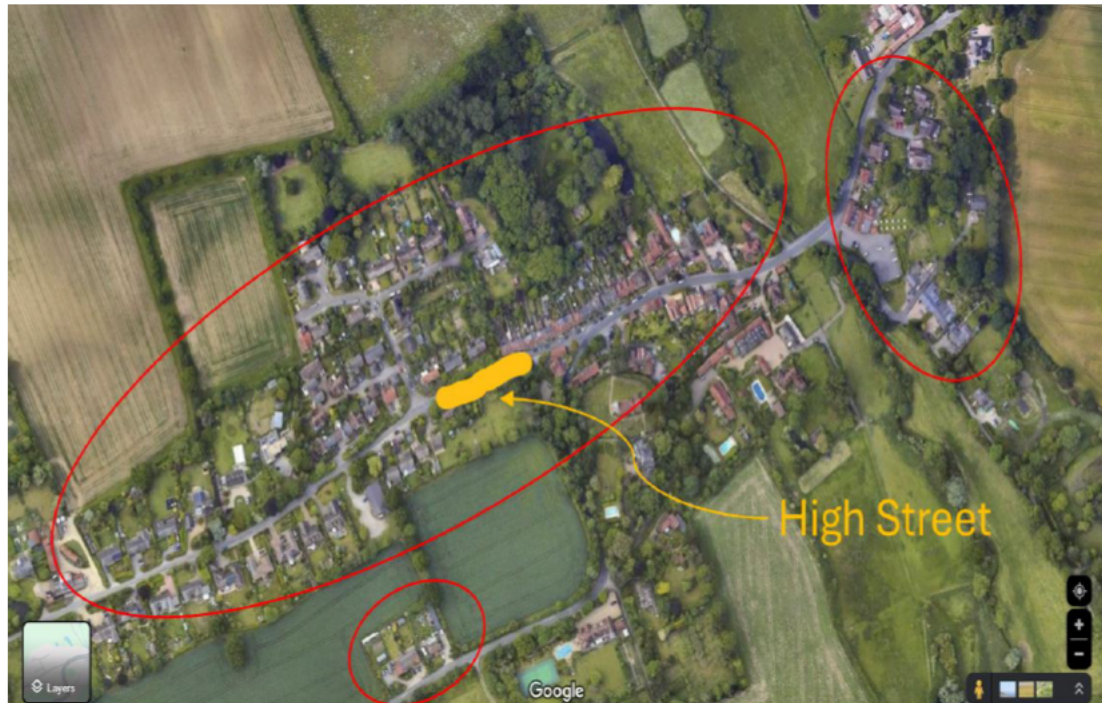
4.1 Recent photographic evidence of High Street:

4.1.1 Over 100 images: There has been a steady and increasing occurrence of incidents on High Street, some of these have been captured on camera and are included on the shared drive (see link below). Over 100 images of Tuddenham have been provided as evidence of, why the roads are not safe for pedestrians, and the problems of on-street parking. Such incidents occur frequently, and the images depict undeniable proof that High Street is a safety risk for pedestrians. This photographic library is substantive evidence and the Objectors request that the Planning Inspector considers these when determining the Appeal.

https://1drv.ms/f/s!AnN9UMoHb49jjuwjccDn8l67HR_Duw?e=jcNxgM

4.2 Residents testify: High Street does not provide safe access.

4.2.1 Survey of Opinion: A survey of opinion was carried out and every single house in the three areas shown below, was visited. ([Ref 5](#))



4.2.2 201 residents signed to testify this statement: The statement shown below was read to every signatory and the residents were unanimous and emphatic: High Street does not provide safe access for pedestrians.

'because there is no footway, this plan does not provide safe access for pedestrians to the village or to the bus service. This plan does not encourage people to travel without using a car.

Overall this plan will reduce road safety in Tuddenham. It will increase the number of cars and vans using Keightley Way and High Street and will increase the potential for conflict between all road users'.

The signatories include many respected professionals eg resident Police, Doctors, Councillors ie people from all walks of life.

4.2.3 This evidence represents Local Opposition: It concerns pedestrian safety and as this is a material consideration the NPPF advises that decision makers should give this due consideration in any decision.

5. There is poor access to services & no public rights of way.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the Local Plan SCLP 7.1 - Development will be supported where:

d) It is located close to, and provides safe pedestrian and cycle access to services and facilities;

f) It is well integrated into, protects and enhances the existing pedestrian routes and the public rights of way network

5.1 The Land off Keightley Way: This site has no existing Public Rights of Way, and the Footway only goes to the end of Keightley Way. It only has access to a Play Area, a Playing Field, and a Village Hall (with no footway). The only pedestrian route to the village is down a narrow hill with no footway and chronic on-street parking (High Street). From this site every journey will be made by car. No other sites in the Local Plan have this low level of sustainability with unsafe and unsuitable access to services. Without a Footway to the village, the Land off Keightley Way does not even meet the criteria stated in the Local Plan for a small cluster of 4 or 5 houses, *'eg through the existence of a continuous footpath'*. This is why the Local Plan specified Critical improvements to Access and Footway.

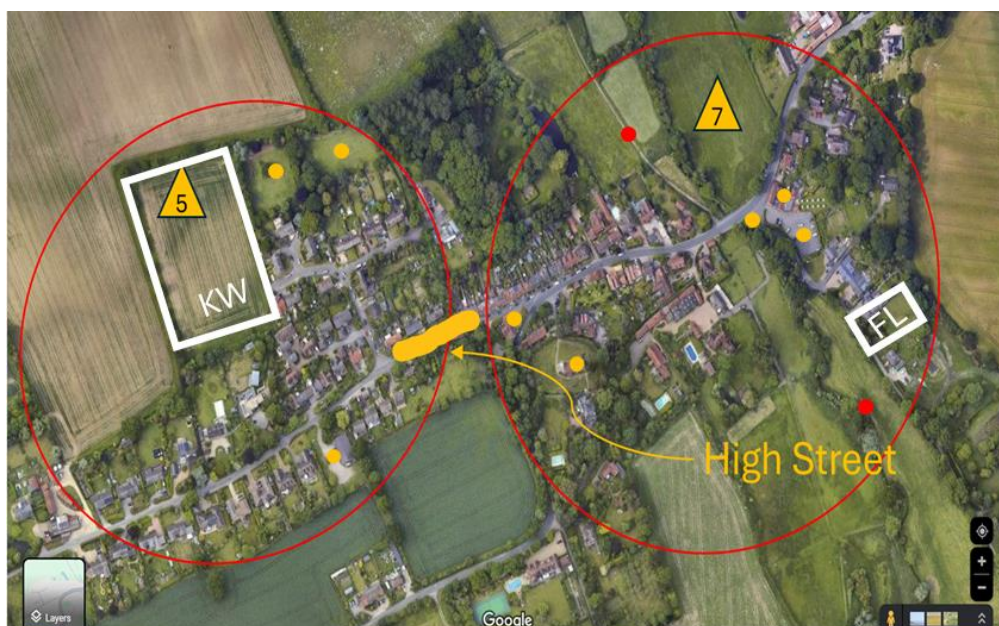
5.2 Prior Decision History at Fynn Lane DC/18/0013/OUT: In 2018, an Application for a site in Fynn Lane, Tuddenham was refused because it was: *'poorly related to local shops/services'*, and *'few alternative modes of transportation would be available and therefore, travel to-and-from the site would be dependent upon private motor vehicles'*. After an Appeal and a site visit the Inspector upheld the refusal. Access to services for the Land off Keightley Way (DC/22/3748/FUL) is far worse and far more dangerous than Fynn Lane (DC/18/0013/OUT) and the adverse impacts from 25 properties much greater. Since that decision in 2018, the planning standards have changed, but sustainability and access to services is still front and centre in the Local Plan. Also, village services have declined; the bus operator has

reduced peak time buses to just one at 7.33am, the pub no longer opens on a Monday or Tuesday and Old Stores cafe has ceased its usual day-time service.

5.3 Service access assessments.

5.3.1 Land off Keightley Way: Applying the methodology used in the East Suffolk Settlement Hierarchy, the Land off Keightley Way (KW) scores just **5 points** for access to services and there is no safe access to a bus service: It has access to a Play Area (1), Field (1), Village Hall (2) (No Footway) and is within 5km of Ipswich (1). Without the Critical Improvements to access and footway, this low level of services is unacceptable for a Major Development of 25 properties. A rural community needs to score 10 or more points to qualify as a small village and hence be suitable for a Major Development (over 10 properties).

5.3.2 Prior Decision History at Fynn Lane DC/18/0013/OUT: Fynn Lane is a quiet country road that leads to a farm track. It provides access to a total of nine residential properties, fields, and the local Sewage Treatment Works. Using the same methodology Fynn Lane (FL) scores **7 points** and it has two Public Rights of Way. Bus (2), Pub (1), Church (2), Mobile Library (1), Ipswich <5km (1).



 = Services  = PROW

5.4 The contingency plan for a new footpath to the village is not suitable

5.4.1 No Footway on High Street: Highways have determined that High Street is not wide enough for a Footway.

5.4.2 The contingency plan: As a contingency a new footpath was proposed to connect to existing Footpath 10, but no planning documents have specified any detail (route, timescale, spec, costs etc). The new path would traverse land owned by multiple owners, but the Applicant has not requested/agreed any access rights. Footpath 10 is a muddy working farm track. It floods, it has multiple gates, and a local farmer uses it for farm animals. It is not suited as the pedestrian access for a Major Development (>10 properties). Residents should not be required to walk down this path in the dark at 7.15am to catch the only peak-time bus at 7.33am.

5.4.3 Contingency Plan is not Suitable: All parties have accepted that the proposed contingency plan of a new footpath access to village services via footpath 10 is not suitable for a Major Development.



Proposed Alternative Pedestrian Route



Footpath 10

6. Cumulative developments require a travel survey and plan.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the Local Plan SCLP 7.1 - Development will be expected to contribute to the delivery of local sustainable transport strategies for managing the cumulative impacts of growth- A Travel Plan will be required for proposals for-

k) A development when considered cumulatively with other developments, is likely to have a severe impact on the Local Community or road network

6.1 83 Properties added in four phases of development: Since the road infrastructure was established, successive developments have added 83/91 dwellings, uphill from High Street, in four phases. This has a severe impact on the community and demands a traffic survey/travel plan by any measure.



6.2 The sever impact from successive developments: There is frequently on-street parking at all the junctions and critical pinch points. The successive cumulative developments are creating significant risks for residents, pedestrians, motorists, and emergency services access. A fire engine has already got stuck requiring the fire crew to manually remove a car. An ambulance on emergency call-out to Keightley Way has got stuck and the crew had to run down the road with all the equipment they needed. Bins do not get emptied when the refuse lorries cannot get down the road. Blocked roads cause reversing up High Street, and also cause reversing down High Street back on to the Tuddenham Main Road; these are risky manoeuvres and incidents are becoming more frequent.

6.3 A Transport Survey/Plan is required: As over 80 properties will have been added, the Local Plan requires a traffic survey (See SCLP7.1). In 2019 traffic surveys were promised to the Government Inspector to address traffic and safety concerns but these have not been completed. The recent 'Independent' Highways review by Brookbanks concluded there is insufficient traffic data provided to qualify the potential impact. Brookbanks did not acknowledge these cumulative developments.

7. Parked cars will block emergency access.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the Suffolk Parking Guide & NPPF:

‘More or less parking than the advisory guidance may still be justifiable and acceptable where there are other material considerations.’

NPPF: Sustainable Transport d) allow for the efficient delivery of goods, and access by service and emergency vehicles.

7.1 On-Street Parking in the area is an ongoing problem: For existing residents this is one of the most critical concerns and they are worried that this development will increase the risks. There is already a proven safety risk arising from unreliable access for Emergency Services caused by on-street parking. On-street parking has already prevented access for an Ambulance on emergency call-out to 12 Keightley Way and for access by Fire services. The analysis below shows that the site plan for the Land off Keightley Way could cause 11 additional cars to park on-street in Keightley Way. The plan needs to change to provide additional shared parking in a public area of the site.

7.2 Parking Analysis for Keightley Way: As shown below, 7 of the 23 existing properties in Keightley Way exceed the standard parking allocation (ie 2 spaces for a 3-bedroom house), 30% of properties in Keightley Way park 3 or more cars (East England average is 9.6%). These 7 properties exceed the standard allocation by a total of 11 Cars. This is not surprising because there are no services nearby and almost everyone owns a car to drive to work or to get to essential services (shops, schools, doctor, dentist, entertainment etc).



Properties exceeding the parking allocation

7.3 Parking Analysis for the Land off Keightley Way: SCC Highways consider the parking allocation to be '*generally acceptable*'; however, the analysis of Keightley Way shows that the standard allocation is not adequate for this location and needs to be addressed. It is reasonable to assume that new residents at this location will have a similar level of car ownership to existing residents in Keightley Way. They too will need a car/van for their work and to access all other services. The planners should assume that 7 of the 25 new properties will exceed their allocation. Any property owning one or more cars over the allocation will require on-street parking. The parking problems on the new site will be even worse than Keightley Way:

7.3.1. The new spine road is on a tight bend; it has drop kerbs for driveways to eight properties and also serves as a 'cycle link' to the play area. Inherently there is little or nowhere safe to park on this road. It is the only access for emergency vehicles and waste collection. Parking on the new access road would block access to emergency vehicles and put cyclists in danger.

7.3.2. For the latest site layout (Sept 2023) the new properties have no front gardens and nowhere to park any additional cars, 12 of the houses are located on narrow private driveways; these have no space for additional parking other than that reserved for visitor parking. The

Applicant has provided two additional visitor spaces (9 versus the 7 required), but the Suffolk Planning Guide specifies visitor spaces are for visitors not residents.

- 7.3.3. 13 of the new properties are located on the spine road but all nine visitor parking spaces are on the private driveways. A service engineer visiting plot four will park on the street, not in a visitor space around the back on the private driveways.
- 7.3.4. The new development is likely to attract more visitors to the Play Area. The plan does not provide any parking near the new access to the Play Area, not even for disabled parking.
- 7.3.5. For the new properties, all additional cars above the standard allocation will need to park on-street in Keightley Way (assume 11 additional cars based on the data from Keightley Way). This will further increase the risk to all local residents.
- 7.3.6. The Applicant and the Planning Officers claim there has been '*no-objection*' from the fire services but the fire service have stated that they '*do not review the access as it is not their responsibility; they say, 'it is the council's responsibility to ensure safe access to a site.'*

7.4 This is a material consideration: Allowing for the efficient delivery of goods and access by service and emergency vehicles is a material consideration. In accordance with the Suffolk Parking Guide this justifies the provision of shared parking for 11 cars in a public area to allow for new residents with additional cars.

7.5 The site layout needs to change: The provision of a shared parking area is a fundamental change to the site layout and the Objectors request that the Planning Inspector refuse the proposed development.

7.6 Brookbanks failed to do any analysis on this safety concern.

8. The cycle/pedestrian link is unsafe and non-compliant.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the Local Plan:

-Development criteria 12.66 d) a pedestrian and cycle link between Keightley Way and the Playing Fields

-Development will be supported where: SCLP7.1 d) It provides safe pedestrian and cycle access to services and facilities.



The site plan(cycle link in black)+the routes to bench in the playing field

- 8.1 The cycle link does not meet the development criteria 12.66 d):** Policy 12.66 was selected by planning officers as a preferred site because it had the potential to '*enhance access to the playing field*'. The design of the cycle link in the site plan (marked in black), does not connect to either the Playing Field or to Keightley Way and has no value. It does not meet the criteria set out in Policy 12.66 and it gives no benefit to anyone. The Parish Council had installed a new raised garden & bench in the playing field and the Planning Office selected the Land off Keightley Way as the preferred site primarily because it offered the chance to improve access to this.
- 8.2 The Footway/cycle link is unsafe and not fit for purpose:** The new access to the Playing Field via the Play Area will involve gates, and a greater distance over rough ground and navigating obstacles in the play area. There is also no disabled parking near the access and the footway is at risk from manoeuvring in driveways at plots 2,3 &4. Like any village, Tuddenham has a number of elderly residents unsteady on their feet or using wheelchairs, this plan does nothing to help them. The cycle link is worthless, and the new access road will have on-street parking and is too narrow to add a marked cycle lane. It will be unsafe for young cyclists.
- 8.3 SCC Highways Holding Objection:** In August, Highways placed a holding objection in relation to the footway/cycle link on the grounds of *sustainable transport and highway safety* and the Applicant has not updated the design since then.
- 8.4 The review by Brookbanks failed to address this safety concern.**
- 8.5 Any solution is fundamental to the site layout and the Objectors request that the Planning Inspector refuse the proposed development.**

9. No pre-application advice was sought, and the community was not engaged.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the guidance in the Local Plan & NPPF Local Plan 11.16. Developers are advised to undertake pre-application consultation with local communities when proposing development. They are encouraged to seek views regarding local community needs and expectations from a broad spectrum of the community, in relation to the design of a proposal. Applicants are encouraged to engage with communities through the use of Building for Life 12.

NPPF 4.40 Engage with the local community before submitting their applications.

NPPF 12.137 *Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

9.1 The Applicant has failed to follow advice on engagement:

DC_22_3748_FUL is a Major Development of 25 properties and is dependent on delivery of CRITICAL Infrastructure and seeking Public Rights of Way (eg for the Play Area). Even though the site is in the Local Plan, the need for critical infrastructure made it essential to seek pre-application advice for them to understand the requirement to unlock the Allocation in Policy 12.66. The Applicant did not seek advice from the local authority or the Parish Council (owners of the Play Area) or the community.

9.2 The Applicant has totally ignored residents' Material Concerns:

In their most recent Statement of Case the applicant asserts that *'The only matter of dispute is the suggestion that the Application makes improvements to the existing highways issues within the village.'* This again demonstrates their total lack of engagement with the community. The statement is incorrect, and our report highlights the numerous material considerations that the Applicant

has failed to acknowledge. As a result, the planning application is significantly delayed; costs are mounting and to date the application has required at least three Planning Committee meetings and an Appeal. The Applicant could have avoided this situation if they had followed the guidance in the Local Plan and the NPPF.

10. The plan is not the right solution for this site.

The Objectors request the Planning Inspector to refuse the Application because:

DC_22_3748_FUL does not comply with the guidance in the Local Plan / NPPF **Local Plan 5.50** Opportunities should be taken to integrate older persons housing into the community, in order to address potential issues of isolation and to promote inclusivity. For example, older persons housing on sites that are well related to schools, community centres or other focal points can help to create integrated communities.

Policy SCLP 5.8 To contribute towards meeting the significant needs for housing for older people, proposals for ten or more dwellings should demonstrate how the development will contribute to meeting the needs of older people. **NPPF**

Definitions

NPPF Annex 2 (a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable).

10.1 Housing for the elderly is not integrated: The plan for this development is not integrated with the services in the village. We have several wheelchair residents in and around Keightley Way and all village destinations are off limits for them without using a car. Access to anything beyond Keightley Way involves a narrow hill with no footway or alternatively there is Westerfield Lane, a single-track road with passing places. For the new elderly residents, there will only be safe footway access to a children's play area and the local green space at the centre of the site plan.

10.2 Management costs for the private development site: DC_22_3748_FUL would deliver the only residential housing in Tuddenham requiring a monthly service charge. The maintenance charges are likely to include the private roads, open green spaces and central garden area, a flood basin and foul water

pump for sewage to connect to Anglia Water's sewage network. This seems unlikely to deliver housing at 20% below market rates. On top of that, all new residents will need to own a car and be able to afford associated travel costs. We have estimated that the service charge could be up to £50-£100/month + £250/m Running at least one modest car.

10.3 It is the wrong proposal for this site: The site layout is far too dense and with no front gardens is not in keeping with the style of housing in Keightley Way. A plan for a council owned road would have been far more suited to delivering affordable housing and to meet the needs of Tuddenham. This Application is the wrong proposal for this site.

11. The flood mitigation measures need updating.

The Objectors request the Planning Inspector to refuse the Application because:

Suffolk Minerals & Waste Local Plan Adopted July 2020.

DC_22_3748_FUL does not provide adequate mitigation in respect of a sand and gravel quarry at a distance of 338 metres.

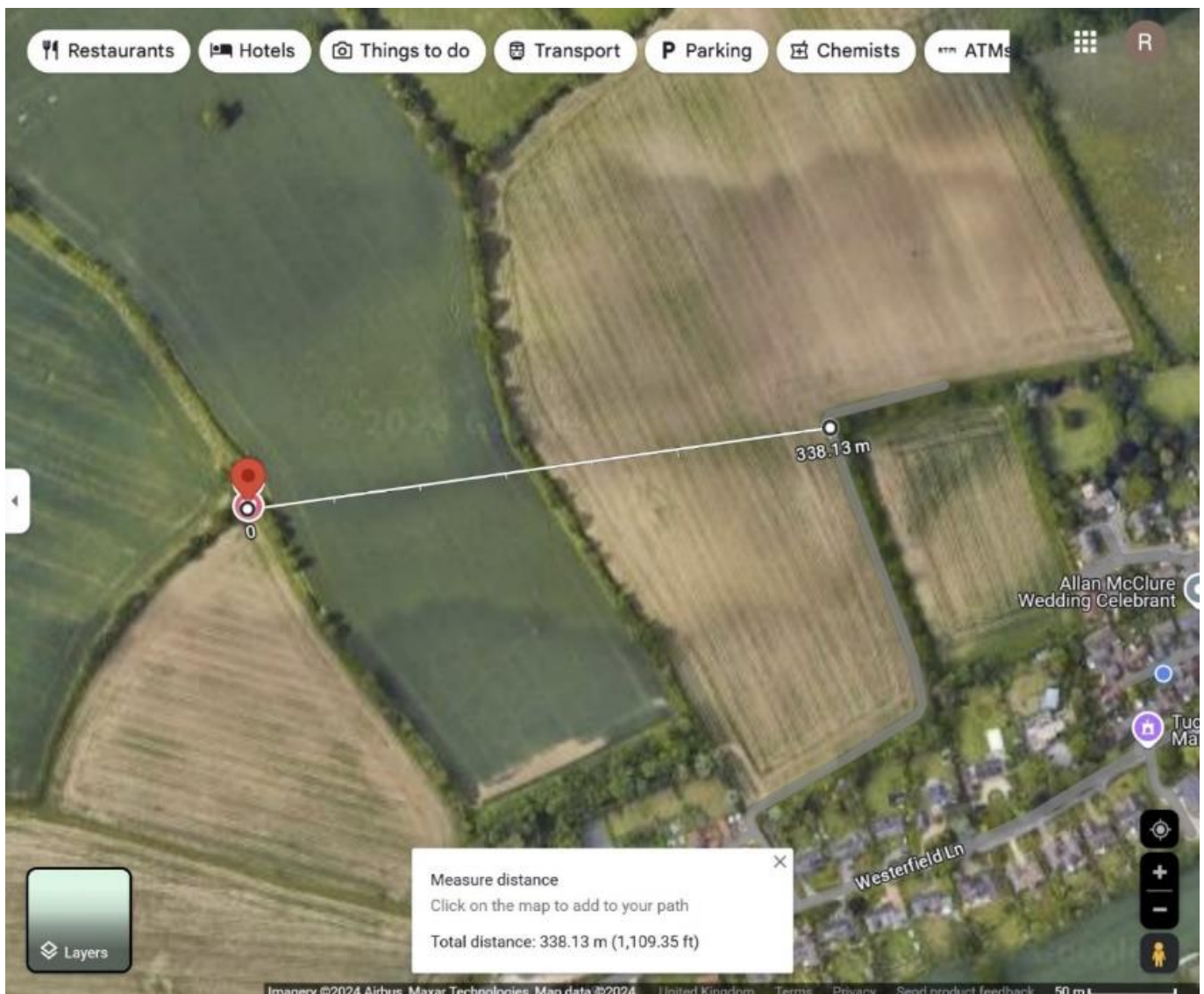
11.1 Flood risks, conditions for drainage and design: The land off Keightley Way has a history of surface water flooding at the northern end. The flood risks and hazards for the site were documented back in July 2022. Conditions for drainage of the site were set by the Local Flood authority in December 2023. There have already been several attempts to design a suitable flood attenuation basin for the site. The most recent drainage and attenuation basin design and assessment was completed in November 2023.

11.2 Proposal for a new Quarry: There has since been a proposal for a new quarry at just 338m from the land-off Keightley Way. After two rounds of pre-application consultation over two years, ES Planning have '*no objections*' to this request and the SCC Development Manager has stated, '*In principle, I consider the locations identified on the Location Plan MW (TRU) 1(3) suitable for minerals extraction with subsequent inert waste processing and infilling*'. Groundwork is already ongoing at the quarry and various environmental reports are being produced. As per the requirements in the Suffolk Minerals & Waste Local Plan, the flood contingency measures within the plan for DC/22/3748/FUL need to be re-assessed before planning permission can be approved. It is noted that there was an oversight in the Planning Inspectorate Questionnaire ([Ref 7](#)) Part2 10 where it failed to notify the Planning Inspectorate of an underground mineral interest at or within 400 metres.

11.3 DC/24/3202/CCC & SCC/0092/24SC/SCREEN: The EIA Scoping Request is for the extraction of 1,700,000 tonnes of sand and gravel and will create a void of 1,050,000 cubic metres at a distance of 338m from the Land off Keightley Way and it will subsequently be infilled with clay and soil.

11.4 Proximity of the Quarry to the Land off Keightley Way:

The boundary of the Quarry is just 338 metres from the Northwest edge of the Land off Keightley Way.



The quarry is directly up hill and 12 meters above the elevation of the Land off Keightley Way. The excavation and replacement of over a million cubic metres of gravel with clay and soil is likely to increase the surface water flooding at the Land off Keightley Way.



11.5 The flood contingency measures need to be reassessed: The design criteria for DC_22_3748_FUL will need to be re-evaluated: Gravel deposits play a vital role in natural flood management and removing 1,050,000 cubic metres will be a major change to surface water and local water courses. A quarry at just 338m distance undermines the risks and assumptions used in the current design and in the formulation of conditions. Changing the strategy and design could require a totally different site layout. The Objectors believe that the Applicant needs to have the flood contingency measures for DC/22/3748/FUL re-assessed and request that the Planning Inspector refuses the proposed development.

12. Reference Summaries.

See East Suffolk Planning Portal – DC/22/3748/FUL planning documentation:

[DC/22/3748/FUL | Residential Development for 25no. New Dwellings | Land Off Keightley Way Tuddenham St Martin Suffolk](#)

1. DC_22_3748_FUL-Application_Form-1171315

21 Sept 2022 Application Form: This indicates the Applicant sought no pre-application assistance or advice from the local authority.

2. DC_22_3748_FUL-OBJECTORS_SUBMISSION_TO_CONSULTANT-5103623

15 Apr 2024 OBJECTORS SUBMISSION TO CONSULTANT: This provides a thorough review of all safety, integration and connectivity objections raised by Tuddenham Residents. The Objectors submitted this report to the Planning Officer. Brookbanks did not refer to any of the objections in their assessment.

3. DC_22_3748_FUL-INDEPENDENT_HIGHWAYS_REVIEW-5157890

27 Jun 2024 INDEPENDENT HIGHWAYS REVIEW: This is the Transportation review of planning application DC/22/3748/FUL completed by Brookbanks. Overall, the review concludes '*there is insufficient traffic data provided to qualify the potential impact.*'

4. DC_22_3748_FUL-TUDDENHAM_RESIDENT_OBJECTORS_GROUP-5182298

19 Jul 2024 TUDDENHAM RESIDENT OBJECTORS GROUP: Feedback to the Planning Committee regarding the Brookbanks review. The report from Brookbanks did not deliver what the Planning Committee requested, it failed to refer to any concerns raised in the OBJECTORS SUBMISSION, Brookbanks did no data collection or analysis, and the report has not been questioned or validated at a Planning Committee meeting.

5. DC_22_3748_FUL-TUDDENHAM_RESIDENTS_SURVEY-5276675

29 July 2024 TUDDENHAM RESIDENTS SURVEY: Gives the details and results of a survey of Tuddenham Residents concluding that 100% of the residents contacted believed that because there is no footway, the plan does not provide safe access for pedestrians to the village or to the bus service.

See East Suffolk Planning Portal – AP/24/0061/APP appeal documentation:

[AP/24/0061/APP | Residential Development for 25no. New Dwellings | Land Off Keightley Way Tuddenham St Martin Suffolk](#)

6. AP_24_0061_APP-STATEMENT_OF_CASE_FINAL_-_30.09.24.-5261707

30 Sep 2024 STATEMENT OF CASE FINAL - 30.09.24: CERES PROPERTY

We believe this is a misrepresentation of the facts. **Here is what the appellant left out of the SOC report:**

- 6.1. The Local Plan Appendix B requires Critical/Essential Improvements to Access, Footway and Public Rights of Way to be delivered along with the development. Highways state *'SCLP policy 12.66 Appendix B, page 471, we request either £100,000 for pedestrian facilities from the site to local amenities, including local bus stops'*. All five consultee documents from Highways have included this statement and their final statement on the independent Brookbanks review also refers back to it. The SOC failed to mention any of these points.
- 6.2. In every submission up to November 2023, SCC Highways have objected to the application on the grounds of *'sustainable transport and highway safety'*. The Applicant has not resolved their objections, and these are fundamental to the site layout. The Objectors believe that these objections need resolving and request that the Planning Inspector refuses the proposed development.
- 6.3. On 27th February 2024, the Planning Committee voted **not to approve** the application. This is the only formal judgement from the Planning Committee; the proposal has not changed and nothing produced beyond this date has been scrutinised by the Planning Committee.
- 6.4. The democratic services officer explained to the Planning Committee on 27th February 2024; if the members decided to defer the determination of the Application, when it returns, all material concerns would be open for discussion and neither the Applicant, nor the Planning Committee could constrain this. In the same meeting the Planning Committee were deciding on a whole range of policy failures. The planning office persuaded members to defer because they had also wanted to include safety as one of their

reasons to refuse. The Officers felt they needed additional independent expert advice if the refusal included any policy that included safety. In the SOC, the appellant's attempt to narrow the scope of the Appeal is unwarranted.

6.5. The concern raised by Tuddenham PC and by Objectors about parking, was to do with adding more parking to ensure the development did not make things worse for the existing residents. It was not about resolving the ongoing problems, as claimed in the TOC.

6.6. The independent review by Brookbanks concluded '*there is insufficient traffic data provided to qualify the potential impact*'. The Appellant did not mention this in the SOC; it also highlights the inadequacy of the reports about highway safety created after the Planning committee in February 2024.

[7. AP_24_0061_APP-QUESTIONNAIRE_-25.10.24-5279841](#)

25 Oct 2024 QUESTIONNAIRE -25.10.24: The Planning Inspectorate questionnaire Part 2 10. The case officer omitted to note the underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal.

See East Suffolk Planning Portal – DC/18/0013/OUT Fynn Lane planning documentation:

[DC/18/0013/OUT | Outline Application - Erection of two dwellings | Land Adjacent Fynn View Fynn Lane Tuddenham St Martin Suffolk IP6 9DB](#)

[8. DC_18_0013_OUT-REOUTZ-699127](#)

5 Mar 2018 REOUTZ: This shows why SCDC refused Planning Permission for the site on Fynn Lane. The refusal states '*that the site would be poorly related to local shops/services, the local bus service is very limited and Fynn Lane is a narrow, unlit road with no footway - making walking particularly unattractive to any future occupiers. Accordingly, few alternative modes of transportation would be available and therefore travel to-and-from the site would be dependent upon private motor vehicle*'. Since that decision in 2018, the bus operator has reduced the bus service, the pub no longer opens on a Monday or Tuesday and the Old Stores Tea Room has closed its normal café services.

See Suffolk County Council Planning Portal – SCC/0092/24SC/SCREEN scoping documentation:

[Suffolk County Council Land at Westerfield Sand and Gravel Scoping Request](#)

9. SCC/0004/22C/PreApp

22 Aug 2024 Land at Westerfield: This letter from Chartered Minerals Surveyor Stephen Daw describes the scope of the Extraction and Processing of Sand and Gravel and Restoration to Original Ground Levels using infilled Inert Soils and Clays; Recycling of Inert Reusable Materials; Advance and Restoration Biodiversity Enhancements: Tippers 'R' Us. The boundary is 338 metres from The Land off Keightley Way.