
Summary Proof of Kevin Coleman

(Phase 2 Planning Ltd, on behalf of the Appellant)

1. I hold a post-graduate Diploma with Distinction in Town Planning of the University of Wales, College of Cardiff, and Bachelor of Science in Town Planning Studies of the University of Wales Institute of Science and Technology. I am a member of the Royal Town Planning Institute.
2. My involvement with the Appeal Site began just over 10 years when I began advising the former landowner. I was involved in promoting the Appeal Site through the respective Local Plan Examinations, and I have acted for the Appellant following their purchase of the land in 2023.
3. The Inspector will be aware that the parties take a different view to each other on the background to this Appeal, and what could or could not have been done differently. As that background does not go to the merits of the Appeal Scheme, I have made only brief reference to it in my evidence, but suffice to say the Appellant's view is that it was the LPAs that effectively curtailed any chance of further effective pre-application discussions, and it was the LPAs who decided to refuse the applications on the 13 week date, before matters raised in consultation responses could be addressed.
4. My evidence relates primarily to Main Matters 1, 10 and 11 in respect of masterplanning, playing fields, and housing numbers. I also cover wider background material relating to the Development Plan history, housing supply (so far as possible at the time of writing), and the overall planning balance.
5. The Appeal Site lies on the edge of the Ipswich urban area, in a sustainable location with ready access to local schools, shops, public transport and other facilities.
6. Outside of the Ipswich Garden Suburb, it is the largest allocated site in the adopted Ipswich Development Plan. Between them, the Ipswich and East Suffolk Plans identify the site as delivering around 600 new homes, although as I explain in my evidence, neither or the figures quoted in the two plans stand up to close scrutiny. In any event, the fact that the Appeal Scheme is capable of exceeding the originally assumed figures is to my mind a benefit, particularly given the matters I raise regarding the supply of market and affordable housing in Ipswich, and the wider need for additional housing in accordance with national policy.
7. In my evidence, I note that the Appeal Scheme delivers a wide range of benefits. The delivery of market and affordable housing are of course the prime 'deliverables' from the site, as that is the purpose of the land being allocated in the first place. But I also highlight the benefits of the Appeal Scheme in other areas, such as the economic benefits, the additional opportunities for access and informal recreation provided, the wider opportunities it provides for sport and youth activity, and the ecological benefits, for example.

8. I have undertaken an assessment of the Appeal Scheme against each of the relevant component elements of the two site allocation policies, and I come to the conclusion that the Appeal Scheme is fully in accordance with these. I also conclude no conflict with any other relevant development plan policy, subject obviously to appropriate conditions/obligations for mitigating impacts.
9. As set out in the Appellant's Statement of Case, my starting point is therefore that paragraph 11 (c) of the NPPF applies i.e. that planning permission for development that accords with an up-to-date development plan should be approved.
10. However, in my evidence I also draw attention to the state of land supply within the Ipswich administrative area, which following the new NPPF on the 12th December, becomes relevant in terms of paragraph 11. At the time of writing, there is no up to date material for land supply in Ipswich, but if my concerns are correct and land supply is failing to the extent projected, then for the Ipswich area, the Development Plan is effectively out-of-date and the presumption in favour of sustainable development would arise by reason of paragraph 11(d), rather than paragraph 11 (c).
11. In terms of the specific reasons for refusal, I explain in my evidence why the alleged absence of a Masterplan (Main Matter 1) is not only essentially incorrect, as the Framework Plan is to all intents and purposes a Masterplan, but also misconceived, as a process of "masterplanning" has been undertaken, and the Appeal Scheme has been informed by that process.
12. I note in my evidence that the justification by the LPAs for the first reason for refusal seems to have morphed from being an alleged lack of information and vague assertions that "masterplanning" may have led to something else, to a specific, but wholly immaterial and belated, concern regarding the absence from the Appeal Scheme of the separate parcel of land opposite Westerfield House.
13. In respect of Main Matter 10, I note in my evidence that the weight to be attached to the loss of the existing playing fields is reduced by their limited lawful use and the fact that there is a surplus of playing fields generally in the local area. I explain that in my view, the harm arising from their loss is mitigated and outweighed by the benefit arising in the space to be provided for other sports within the Appeal Scheme. Policy DM5 does not require like-for-like provision, and in my view, increasing opportunities for sport for the wider community, on a facility that can be intensively used all year round, has greater benefit than protecting two playing fields with limited use.
14. In respect of Main Matter 11, I explain in my evidence why the delivery of more homes than originally envisaged is a benefit of the Appeal Scheme. I also explain why removing 61 homes would not actually solve the concerns raised by the LPAs in respect of the scale of the scheme anyway, notwithstanding of course that it is the Appellant's case that the LPAs' various concerns on green infrastructure provision are unfounded.
15. I also contain a summary in my evidence of the position reached on other Main Matters, from which it will be noted that a number of these are either no longer in dispute, or have fallen away entirely. Matters of heritage impact are agreed, as is the fact that the site allocations cannot be delivered with a lower level of harm. The original "fundamental objection" referred to as regards the position of the main vehicular access was withdrawn in

the LPAs' amended Statement of Case. Matters of ecology and air quality are agreed as being capable of being mitigated. The drainage concerns raised by the LLFA, whilst still a matter of some dispute, have been greatly reduced in scope to matters of detail. At the time of writing, although there are still matters of detail to agree, significant progress has been made on Main Matter 13 as regards a suitable s106 agreement.

16. In Sections 13 of my evidence, I give my view on the weight to be attached to the various benefits of the Appeal Scheme, and in section 14, I give my view on where harm arises from the Appeal Scheme. The areas of harm are essentially in respect of matters that are 'built in' to delivering the site allocations, such as landscape impact through loss of countryside, impact on the setting of the two Listed Buildings to the north-east, and visual impact. The Appeal Scheme is to my mind delivering the lowest level of harm, commensurate with the implementation of the Development Plan.
17. Overall, my view is that the Appeal Scheme falls to be judged against the "presumption in favour ..." under paragraph 11 of the NPPF, whether by reason of 11 (c) or 11 (d). In respect of the 11 (d) test, the balance is overwhelming in favour of the Appeal Scheme, with the benefits significantly outweighing harm. I acknowledge that harm in this case includes harm to the setting of two Listed Buildings, and that this is a matter that under both statute and policy attracts great weight and special consideration, but I would still maintain that the array of public benefits outweighs that harm, and that the test at paragraph 215 of the NPPF is passed.
18. Of course, I appreciate that the Inspector may come to the view that the Appeal Scheme is not wholly in accordance with the Development Plan. In that scenario, the significant benefits of the Appeal Scheme would constitute "material considerations" which would need to be weighed against the harm caused by the breach of the Development Plan. My assessment of the benefits of the scheme is that they are varied and very substantial, whereas for those areas where the LPAs allege a conflict with the Plan, I find the levels of harm to still be relatively limited, such that the balance would lie in favour of the grant of permission, with or without paragraph 11 (d) engaged.