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Refusal of Outline Planning Permission

Town And Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Our reference	DC/24/0771/OUT
Date valid	5 March 2024
Site	Land North-East Of Humber Doucy Lane , Humber Doucy Lane, Ipswich
Parish	Rushmere St Andrew
Proposal	Outline Application (With All Matters Reserved) - Hybrid Application - Full Planning Permission for the means of external access/egress to and from the site. Outline planning application (all matters reserved) for a mixed use development for up to 660 dwellings (Use Class C3), up to 400 sq m (net) of non-residential floorspace falling within Use Class E and/or Use Class F2(b), an Early Years facility, and associated vehicular access and highway works, formal and informal open spaces, play areas, provision of infrastructure (including internal highways, parking, servicing, cycle and pedestrian routes, utilities and sustainable drainage systems), and all associated landscaping and engineering works.

East Suffolk 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. A masterplan has not been submitted in support of the application. A series of Parameter Plans and a Framework Plan have been submitted, but these fail to provide the necessary

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detail to ensure the development of the site comes forward in a coordinated and comprehensive manner.

The Masterplan should set out the layout, scale, landscaping, and appearance of the entire site, including any public spaces and infrastructure. This should be used to shape the reserved matters applications and inform condition compliance. The Design and Access Statement contains some master plan elements and is labelled as such but this information should be combined in to a standalone plan and should be more detailed than currently presented.

By not completing this next stage of design there is a missed opportunity to holistically consider all aspects of the development together (such as infrastructure, transportation, social amenities, open spaces, and building design). In the absence of a masterplan certain policy objectives related to amenity and connectivity cannot be fully assessed and the extent to which the development is sustainable and resilient is difficult to assess. In addition, aspects of the scale, density and layout of the proposed development shown in the submitted parameter plans raise concerns and are not supported by a masterplan. The absence of a masterplan at this stage means that there is an absence of meaningful engagement with the community to shape the proposals being brought forward.

The absence of a masterplan is contrary to local plan policies and limits the ability to ensure the development which comes forward is coordinated and comprehensive. This includes the effects of access and connectivity, which are outside of this applications determination but as a result of the Ipswich Borough Council refusal are of fundamental relevance to the overall approach for masterplanning. The requirement for the site to be part of a masterplanned approach with land in Ipswich Borough is explicit in the site allocation policy SCLP12.24. The proposals therefore fail to meet the requirements of SCLP12.24 (Land at Humber Doucy Lane) and the expectations of the NPPF set out in paragraphs 41, 74 (c), 131 and 137. Furthermore, it cannot be demonstrated that other matters related to amenity, design, sustainability and connectivity can be secured in accordance with the NPPF (paragraphs 135 and 139), Local Plan Policy SCLP11.1 (Design Quality) and Rushmere St Andrew Neighbourhood Plan Policy RSA 9 (Design Considerations).

2. By virtue of the scale and nature of the proposed development, the impacts of the development on the surrounding highway network need to be fully assessed in order to understand the acceptability of the proposals and the mitigation required. The development proposals will also be expected to ensure opportunities to promote walking, cycling and public transport use are identified and secured.

Further information and justification is required to support the trip generation information assumed and junction modelling analysis undertaken. It is considered necessary to ensure the impacts of the development have been accurately and fully considered and required mitigation identified. There is a concern that the distribution of trips has not been accurately assessed and necessary mitigation such as improvements needed at the A1214 and Tuddenham Road Roundabout have not been fully identified. Furthermore impacts on the Strategic Road Network and rail infrastructure (including Westerfield Railway Station) in the

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vicinity of the proposals need to be factored in and assessed in order to conclude acceptability and any mitigation required.

Internal connectivity between parcels is shown within the cycle and pedestrian movement Parameter Plans. The connectivity and permeability between parcels is considered inadequate and should be better designed to encourage and promote walking and cycling in and around the site. In particular the connections between the main parcel of development and eastern parcel (residential areas E1 and E2) involves a connection which should be more direct and convenient than presently proposed.

Further consideration also needs to be given to off-site connections to existing routes and key destinations. At present the proposals fail to demonstrate that cycle and walking will be sufficiently promoted and prioritised off-site within neighbouring areas and to key destinations. An off-site walking and cycling strategy should be developed which would recommend improvements to ensure safe and suitable movement for pedestrians and cyclists and to maximise accessibility to sustainable modes of travel.

Travel Plan framework has been submitted in support of the application, however whilst some measures included would be acceptable, additional measures would be required to demonstrate that sustainable travel options were being maximised and the value of funding estimated is considered insufficient to fund the measures identified and ensure effective sustainable travel is promoted within the proposed development.

In conclusion the proposed development is not adequately supported and evidenced by a complete and robust Transport Assessment. It therefore cannot be ascertained or relied upon what the impacts of the proposed development will be or what mitigation will need to be secured in order to bring forward the development. In addition the connectivity within and around the site and to key destinations is also significantly lacking and poorly evidenced. Combined with the inadequate Travel Plan proposals, it cannot be concluded that the proposed development could or would be able to maximise sustainable travel modes such as walking, cycling and public transport. The proposed development is therefore found to be contrary to the NPPF (paragraphs 96, 108, 114, 116 and 135(f)) and Local Plan Policies SCLP12.24 (Land at Humber Doucy Lane) and SCLP7.1 (Sustainable Transport).

3. The proposed development of the site will bring development into a previously undeveloped site and expand the urban edge of Ipswich into the rural landscape of East Suffolk. A suitable transition space is therefore required between the new development and wider countryside along the northern edge of the application site.

The proposals do include an area of open space along the north-eastern boundary to act as a transition space between the proposed built development and wider Countryside. The transition space is however considered to be too narrow in some areas. The transition space has also been designed to accommodate a number of different uses which will in turn generate a level of activity that will undermine its effectiveness as a space that successively enables a transition from the urban edge of the develop to a quieter, less intense countryside character.

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The quality and design of the transition space is also important to help protect the heritage assets along the northern boundary and more space and planting within this buffer is considered necessary to achieve this.

The design and quantity of space proposed along the north-eastern edge of the development is considered insufficient in creating the necessary transition space and separation between the new development and countryside beyond. It also fails to provide the mitigation required to protect the identified heritage assets which are to the north of the application site. The proposals are therefore considered to be contrary to the NPPF (paragraphs 135 and 139), Local Plan policies SCLP12.24 (Land at Humber Doucy Lane), SCLP10.4 (Landscape Character) and SCLP11.1 (Design Quality), and Rushmere St Andrew Neighbourhood Plan Policy RSA 9 (Design Considerations).

4. A Flood Risk Assessment has been submitted with the application, but it fails to adequately consider the existing watercourse network around the site. Without this being fully considered it cannot be concluded that the proposed development would not have an adverse impact upon the existing watercourse network and that there would not be an increase in flood risk to the surrounding area.

The submitted Drainage Strategy fails to comply with the Suffolk SuDs Guide through an overreliance of deep infiltration structures and a lack of at-source SuDs measures to reduce the need for below ground SuDs features.

The Flood Risk Assessment submitted is deficient in a number of aspects and it cannot be concluded that the proposals comply with the requirements of SCLP9.6 (Sustainable Drainage Systems) and adequately demonstrates that the new development would not increase off-site flood risk. In addition, the proposed drainage strategy is not considered to follow the advice set out within the Suffolk SuDs Guide, Suffolk Design for Streets Guide to ensure a drainage strategy which provides adequate protection from flooding and is safe for the lifetime of the development as set out in the NPPF (paragraphs 173 and 175), Local Plan Policies SCLP12.24 (Land at Humber Doucy Lane), SCLP9.6 (Sustainable Drainage Systems), and Rushmere St Andrew Neighbourhood Plan Policy RSA 9 (e) (Design Considerations).

5. From the information submitted it is evident that there are a number of aspects which require further survey work and investigation to ensure the Local Planning Authority fulfils its statutory duties and ensures proposals meet the relevant planning policy requirements.

In addition, it has not been demonstrated that sufficient Biodiversity Net Gain is proposed and there are concerns with the final proposals in relation to the ecological measures to be incorporated into the development proposals. It is therefore concluded that the requirements of Biodiversity Net Gain have not been met and there is insufficient ecological information on European Protected species (bats, dormouse, Great Crested Newt), Protected species (reptiles), Ancient/veteran tree and Priority species (farmland birds). The proposal is therefore contrary to the NPPF (paragraph 186) and Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity).

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6. Local Plan Policy SCLP10.1 requires that any development with the potential to impact on a Special Protection area will need to be supported by information to inform a Habitats Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).

The application site is within 13km of the Stour and Orwell Estuaries Special Protection Area (SPA); the Stour and Orwell Estuaries Ramsar Site; the Sandlings SPA; the Deben Estuary SPA and the Deben Estuary Ramsar Site.

Information to inform an HRA report has been submitted and includes measures to mitigate the impact of the development on the integrity of any European designated site. This includes the provision of on-site recreational greenspace but there is concern with the deliverability and appropriateness of the required amount of greenspace proposed. The inclusion of infrastructure such as drainage within the greenspace proposed, as well as some greenspaces potentially containing existing habitats of biodiversity value, is considered to reduce the quantity of the greenspace which can be considered as public open space for mitigation purposes. It has therefore not been adequately demonstrated that the proposed development if permitted can secure the delivery of the avoidance and mitigation measures identified.

Further information is therefore required before it can be concluded that the proposed development will not have an adverse effect on the integrity of the European sites included within the Suffolk Coast RAMS. Until such information is made available the proposal is contrary to the NPPF (paragraph 186) and Local Plan Policies SCLP12.24 (Land at Humber Doucy Lane) and SCLP10.1 (Biodiversity and Geodiversity).

7. In accordance with Local Plan Policy SCLP11.7 and paragraphs 200 and 201 of the National Planning Policy Framework, it is considered necessary that a full archaeological evaluation needs to be undertaken given the size of the site and its very high archaeological potential, in order for the results of the evaluation along with a detailed strategy for further investigation and appropriate mitigation to inform the development to ensure preservation in situ of any previously unknown nationally important heritage assets within the development area. The proposal therefore fails to comply with the NPPF (paragraphs 200 and 201 and Local Plan Policies SCLP12.24 (Land at Humber Doucy Lane) and SCLP11.7 (Archaeology).
8. A suite of potential Type 3 measures is outlined in the Damage Costs Note, including low emission transport, cycling facilities, air quality monitoring programs, and information services. The measures proposed by the applicant in their damage cost calculations are judged to be insufficient to mitigate the harm arising through this development, and it therefore cannot be concluded that the proposed development would accord with the NPPF (paragraph 192) and Local Plan Policies SCLP10.3 (Environmental Quality) and SCLP11.2 (Residential Amenity).
9. The housing allocation for this site envisaged a certain number of houses at the Local Plan stage. The proposed development exceeds the Housing allocation number. The increase in

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the number of dwellings proposed is considered to result in a number of pressures on the layout of the development and resulting impacts on the surroundings of the site. In particular, the parameter plans are failing to provide adequate spaces around the application site to comply with relevant open space standards, provide sufficient space to the rural edge to the north and protect the character of Humber Doucy Lane to the south.

The number of dwellings proposed is above the allocation identified for this site and results in a number of impacts on the site and surroundings which are considered to affect the acceptability of the development coming forward and would have an adverse impact on the character and appearance of the site's surroundings. The proposal therefore fails to comply with Local Plan Policy SCLP12.24 (Land at Humber Doucy Lane).

10. The quantum and quality of the open space proposed and identified within the Green & Blue Infrastructure Plan fails to meet the relevant policy requirements. The quantity of particular open space typologies is below the required amount identified within East Suffolk's emerging Healthy Environments SPD and therefore contrary to Policy SCLP8.2 of Local Plan.

The location and distribution of certain open spaces is also considered unacceptable in terms of recreational space and children's spaces being limited to linear routes and transitional spaces at the periphery of the development. More generous spaces should be integrated within the residential parcels of the development. To protect the sensitive character of Humber Doucy Lane a larger set back of the development from Humber Doucy Lane should be shown.

The proposed Green & Blue Infrastructure Plan fails to demonstrate that a suitable range of open spaces will be provided and fails to demonstrate that the spaces which are proposed will be well overlooked, meaningful, useable and suitably distributed throughout the site, contrary to the NPPF (paragraphs 102, 135 and 139), Local Plan Policies SCLP12.24 (Land at Humber Doucy Lane), SCLP3.5 (Infrastructure Provision), SCLP8.2 (Open Space), SCLP11.1 (Design Quality), and Neighbourhood Plan Policies RSA 9 (Design Considerations) and RSA 11 (Open Space, Sport, and Recreation Facilities).

11. If consent were to be granted for the development of this site a S106 Legal Agreement would be required at this Outline Stage in order to secure necessary mitigation, housing mix and type, affordable housing and infrastructure to support the proposed development. At the point of decision no S106 Legal Agreement has been agreed and therefore Local Plan Policies SCLP12.24 (Land at Humber Doucy Lane), SCLP3.5 (Infrastructure Provision), SCLP5.9 (Self Build and Custom Build Housing), SCLP5.10 (Affordable Housing on Residential Developments), SCLP7.1 (Sustainable Transport) and SCLP10.1 (Biodiversity and Geodiversity), which require mitigation, affordable housing and infrastructure are not complied with.

Notes

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1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ben Woolnough', is positioned above the printed name and title.

Ben Woolnough MRTPI | Head of Planning, Building Control and Coastal Management
East Suffolk Council

Date: 4 June 2024

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Please note the content of the following pages in respect of the community infrastructure levy which may affect your development, Building Regulations and appeals against decisions.

Community Infrastructure Levy

East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). For more information and CIL forms please see:

[About the Community Infrastructure Levy | Community Infrastructure Levy | Planning Portal](#)

[Community Infrastructure Levy \(CIL\) » East Suffolk Council](#)

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

Building Regulations

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

Appeals to the Secretary of State

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under;
Planning applications: Section 78 Town & Country Planning Act 1990.
Listed Building applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990.
Advertisement applications: Section 78, Town and Country Planning Act 1990 Regulation 15, Town & Country Planning (Control of Advertisements) Regulations 2007.

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- Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice.
- If an enforcement notice has been/is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at:
<https://www.gov.uk/appeal-planning-decision> (Full planning application)
<https://www.gov.uk/appeal-householder-planning-decision> (Householder)
<https://www.gov.uk/planning-inspectorate> (All other)
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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