



Summary

**Proof of Evidence of Mr. Steven Bainbridge MRTPI
On Behalf of the Appellant:
Capital Community Developments Ltd.**

Planning Appeal Against the Refusal of Planning Permission for:

**A phased development of 75 dwellings, car parking, public open space,
hard and soft landscaping and associated infrastructure and access**

Land North Of Gardenia Close And Garden Square Rendlesham Suffolk

**Our ref. PS-2018-0645/POE
LPA ref. DC/19/1499/FUL
PINS ref. APP/X3540/W/19/3242636
Date: March 2020**

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Contents

- Introduction
- Site Description
- Planning History
- Description of the Proposal
- Reasons for Refusal and Remaining Reasons
- National Planning Policy Framework
- Development Plan Policy
- The Main Issues of the Appellant's Case
- Conduct of the Local Planning Authority
- Housing Mix and Affordable Housing (RfR2)
- Compliance with the Development Plan
- The Planning Balance

Proof of Evidence Summary Statement

Introduction

- 1.1 This is the Summary Proof of Evidence of Mr. Steven Bainbridge MRTPI. I am a chartered member of the Royal Town Planning Institute and have 16 years planning experience in both the public and private sectors.
- 1.2 The evidence which I have prepared and provide for this appeal and in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institute and I confirm that the opinions expressed are my true and professional opinions.
- 1.3 This Summary Proof is made on behalf of the Appellant Capital Community Developments Ltd. Key members of the Appellant team are residents of Rendlesham and have a proven track record of delivering successful residential development of the same design in Rendlesham.

Site Description

- 1.4 The site is shown on the submitted site location plan and is described in Section 2 of my Proof of Evidence.
- 1.5 The site is allocated and has been retained as such as three iterations of the local plan.

Planning History

- 1.6 Rendlesham is a young village, having been developed out in a series of discreet 'estates' with clear and specific characters, after the departure of the USAF in the 1990s.
- 1.7 The appeal site is adjacent to a successful development designed and built by the same developer team. That development was judged to be acceptable in planning and design terms by the LPA following policy tests practically identical to adopted plan policy.
- 1.8 The Appellants have approached planning positively having undertaken pre-

application advice and fully engaged in the plan making process.

Description of the Proposal

- 1.9 “A phased development of 75 dwellings, car parking, public open space, hard and soft landscaping and associated infrastructure and access”.
- 1.10 The proposed dwellings conform to specific architectural and design principles and perform very well environmentally. The Council’s emerging local plan has policy aims which have moved towards the rationale behind the proposal with increased focus on sustainable buildings, even the ‘orientation of buildings’ for daylight and passive solar gain – key principles in this scheme. As with the development next door, this scheme will be exceptionally well landscaped providing a high-quality built environment outcomes.

Reasons for Refusal and Remaining Reasons

- 1.11 It is the Appellant’s case that none of the reasons for refusal were justified by policy when they were construed. The Appellant’s experts will demonstrate through their proofs that the remaining reasons for refusal were unjustified, remain so now and should be withdrawn ahead of the Inquiry; failing this they will be pleased to share the benefit of their expertise with the Inspector.
- 1.12 The LPA has so far withdrawn from three reasons associated with the site-specific policy SSP12 (number of dwellings, odour and sewers) and considers it is capable of withdrawing from another three (specific affordable housing arrangements, habitats matters and planning obligations. Reason for refusal no.6 is the subject of the Proof of Evidence of my colleague Mr. Nicholas Sibbett an Associate Ecology Consultant with 30 years professional experience.
- 1.13 Through their statement of case the LPA have clarified that their only concern with regard to policies SP3 and DM2 is one of the adequacy of the affordable housing arrangements. The LPA state that the affordable housing mix is sub-optimal but neither policy SP3 nor DM2 provide any guidance on affordable housing mix.
- 1.14 Policy DM2 states that the LPA “will need to satisfied as to the adequacy of

arrangements to ensure that these homes are offered to local people who can demonstrate need, at a price which they can afford, and that its enjoyment is by successive, as well as initial, occupiers". This is nothing to do with mix, but relates to provisions which have been secured in the draft s106.

1.15 The only guidance on affordable housing mix in the local plan is provided in supporting paragraph 5.11. This differs from similar policy requirements in the emerging local plan; the split of affordable housing tenure more closely meets emerging local plan.

1.16 The LPA have provided two sets of mix guidance from their Head of Housing; one set was provided to the planning officers during the course of planning application 19/1499 but not shared with the applicant until the application was refused for, amongst others, affordable housing mix.

1.17 It is my opinion that any conflict with local plan guidance on affordable housing mix and the late comments of the Council's head of housing can be balanced against the over-provision of affordable housing resulting from the developers proposal of 75 dwellings, in the face of stiff resistance from the LPA that (until January 2020 when this position was withdrawn) no more than the approximately 50 set out in policy SSP12 was permissible.

1.18 At the time of writing the LPA is maintaining a defence of its reason for refusal no.3 (design) and a minor element of its reason for refusal no.5 (amenity). These reasons for refusal are the subject of the Proof of Evidence of my colleague Mr. Garry Hall, Director and Urban Designer at Urban Forward and a contributing editor to Building for Life 2018.

National Planning Policy

1.19 My main proof sets out in greater detail how the National Planning Policy Framework relates to this appeal, with pertinent paragraphs including:

- Paragraph 8 and the three dimensions of sustainable development
- Paragraph 11 and the Presumption in Favour of Sustainable Development
- Paragraph 38 the positive approach to decision making

- Paragraph 47 the approach to determining planning applications
- Paragraphs 54 to 57 planning conditions and obligations
- Paragraph 59 and the imperative to boost housing supply
- Paragraph 122 and the efficient use of land
- Paragraphs 124 to 132 on achieving well design places

Development Plan Policy

1.20 My Proof of Evidence and my earlier Statement of Case deal with development plan policy in detail. On the basis of the LPA's withdrawal of three reasons for refusal and likely future withdrawal of three further reasons for refusal, I set out below a subset of development plan policies covered in my main proof:

- DM2 Affordable Housing
- SSP12 Land West of Garden Square

1.21 My colleagues' proofs of evidence deal with policies relevant to their areas of expertise:

- DM21 Design Aesthetics
- DM22 Design Function
- DM23 Residential Amenity
- SP14 and DM27 Biodiversity

The Main Issues in the Planning Proof of Evidence:

1.22 My main proof of evidence advances the following main issues:

- The conduct of the local planning authority in the context of NPPF paragraph 38 and how this has informed the LPA's approach to policy consideration.
- Housing mix and affordable housing – with reference to the LPA's Statement of Case in respect of Reason for Refusal no.2.

- The development's compliance with the development plan.
- The Planning Balance.

The Conduct of the Local Planning Authority

1.23 The LPA have approached decision making negatively in contravention of NPPF paragraph 38. In this appeal we have presented evidence and will continue to argue that the LPA have approached the proposed development, and the Appellants, less than positively and this has affected their approach to policy assessment, the balancing of merits and their decision making.

Development Plan compliance

1.24 My main proof of evidence, the Appellant's Statement of Case and the Planning Statement set out in detail how the proposal clearly complies with the development plan when read as a whole.

1.25 In relation to the development policies remaining in contention and within the scope of my main proof, I am content that there is no conflict with, as the LPA put it, "elements of SSP12" or SSP12 in its entirety. I am also content that there is no conflict with policy DM2 for the reasons given.

1.26 My colleagues deal with policies DM21, DM22, DM23, SP14 & DM27 in their respective proofs.

The Planning Balance

1.27 The submitted Planning Statement was clear on the benefits associated with the planning application and the planning balance conclusion that derived from it.

1.28 It is my opinion that the LPA failed to properly balance the benefits and harms at application stage and continue to do so now, despite having retreated from multiple reasons for refusal.

1.29 It is my professional opinion that the benefits clearly and demonstrably outweigh any alleged impacts.

Conclusion

- 1.30 It is my opinion that there are no adverse impacts that individually or cumulatively outweigh the clear and compelling benefits of the proposed development. The proposed development complies with the development plan when read as a whole and should be approved on that basis alone.
- 1.31 It is at least arguable that the tilted balance applies but the Appellant has always been clear that he does not have to rely upon this either because the proposals are in accordance with the development plan taken as a whole, or, to the extent that there is any conflict, material considerations in terms of the benefits clearly indicate that planning permission should be granted.
- 1.32 It follows, that if the tilted balance is found to apply, it cannot be said that that any residual impacts, such as they might be, would significantly and demonstrably outweigh the considerable benefits of the proposal.
- 1.33 The Inspector is respectfully requested to allow this appeal and allow the Appellant to pursue his development without further delay.