

## APPELLANT DRAFT STATEMENT OF COMMON GROUND

APPEAL REFERENCE      3242636 Land To The North And West Of Garden Square And Gardenia Close, Rendlesham

DATE OF HEARING/INQUIRY      31<sup>st</sup> March 2020  
where known

APPELLANT      Capital Community Developments Ltd

This draft Statement of Common/Uncommon Ground (SoCG) has been prepared by the Appellant and conforms to the latest Planning Inspectorate Guidance on content and format:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/825296/statement\\_of\\_common\\_ground\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/825296/statement_of_common_ground_guidance.pdf)

Some sections below remain incomplete as this is currently a draft document.

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### 1. Appeal reference.

3242636.

### 2. Site address.

Land North Of Gardenia Close And Garden Square Rendlesham Suffolk.

### 3. Agreed description of development.

As per LPA website and decision notice: "A phased development of 75 dwellings, car parking, public open space, hard and soft landscaping and associated infrastructure and access".

### 4. List of plans that informed the Council's decision.

#### Documents and Reports

- Application Form, April 2019
- Community Infrastructure Levy Additional Information Form, April 2019
- Planning, Design and Access Statement, Parker Planning Services, March 2019
  - Appendix 1 – Pre-application Advice DC/18/4778/PREAPP
  - Appendix 2 – Freedom of Information Request, Crime Statistics for Rendlesham, Suffolk Constabulary
  - Appendix 3 – Community Infrastructure Levy Calculator
  - Appendix 4 – Representation under Suffolk Coastal Final Draft Local Plan Consultation, Parker Planning Services, January 2019

Appendix 5 – New Homes Bonus calculator, Nett developable area Plan, Separation Distances Plans, Construction Management Plan, Comparison of Mix of House Sizes, CGI of Street Scene

- Air Quality Assessment, SRL, 23 February 2018
- Arboricultural Report, Landscape & Sculpture Design Partnership, 8 April 2019
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### **Plans and Drawings**

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- Site Location Plan, Parker Planning Services, March 2019
- Site Layout Plan Ordnance Survey base, Landscape Partnership, April 2019
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- Elevations and floor plans part 3 (Bealings A, Bealings B, Wilby, Sudbury), Applicant, April 2019
- Elevations and floor plans part 4 (single garage, double garage), Applicant, April 2019
- External Materials Schedule, Applicant, April 2019
- Paper copy of the draft Section 106 agreement (handed to the officer in a meeting on 12<sup>th</sup> June 2019)

### **5. List of any new plans not previously seen or consulted on by the local planning authority, including a brief explanation of any revisions or amendments with reference to the ‘Wheatcroft Principles’.**

The following ‘new plans and documents’ all respond to matters in the reasons for refusal and are considered to observe the ‘Wheatcroft Principles’.

- Details showing how the development will accommodate the sewers crossing the site.
- Details from affordable housing providers showing they are not perturbed by the design or layout.
- Odour report 2019.
- Noise report concerning the sewage treatment plant.
- Phasing plan.
- A digital copy of the draft Section 106 agreement

### **6. Relevant planning history.**

The site planning history includes:

- Allocation in 2001 saved local plan for 75 dwellings
- C03/2362 – Permission for 50 dwellings at Garden Square and Gardenia Close
- Allocation in Site Allocations DPD 2017 for ‘approximately 50 dwellings’.
- Pre-application advice DC/PREAPP/17/5049

- Planning application DC/18/2374/FUL
- Pre-application advice DC/PREAPP/18/4778
- Draft allocation for 'approximately 50 dwellings'.
- Planning Application DC/19/1499/FUL

The adjacent site planning history includes:

- Planning permission in 2004 (C/03/2362) for 50 houses and apartments
- Planning permission in 2008 (C/08/0226) for residential education centre (the Peace Palace) and 2 no. dwellings
- Planning permission in 2014 (DC/14/1605) for the erection of four apartments and two health spa buildings

**7. List of the agreed most important development plan policies for determining the application, focusing in particular on those recited in the reasons for refusal (or putative reasons in cases of non-determination).**

'Most Important' policies:

- SSP12 Land west of Garden Square Rendlesham
- DM21 Design aesthetics
- DM22 Design function
- DM23 Residential amenity
- DM27 Biodiversity

**8. Other relevant planning policy/guidance/material considerations and weight to be afforded.**

The Development Plan:

- Core Strategy and Development Management Policies (adopted in July 2013)
- Site Allocations and Area Specific Policies (adopted in January 2017)
- Rendlesham Neighbourhood Plan Policies (Made in January 2015).
- Saved Policies of the 2001 Local Plan (none relevant to this appeal)

The relevant development plan policies:

- SP1 Presumption in Favour of Sustainable Development
- SP1a Sustainable Development
- SP2 Housing numbers and distribution (reduced weight)
- SP3 New homes
- SP11 Accessibility
- SP12 Climate change
- SP14 Biodiversity
- SP15 Landscape and townscape
- SP16 Sport and play
- SP17 Green space
- SP18 Infrastructure
- SP19 Settlement Policy
- SP27 Key service centres
- DM2 Affordable housing on residential sites
- DM19 Parking standards
- DM20 Travel plans
- DM21 Design aesthetics
- DM22 Design function
- DM23 Residential amenity
- DM24 Sustainable construction
- DM26 Lighting

- DM27 Biodiversity
- DM28 Flood risk
- DM32 Sport and play
- DM33 Allotments
- SSP1 New housing delivery
- SSP2 Physical limits boundaries
- SSP12 Land west of Garden Square Rendlesham
- RNPP3 Allotment, orchard and growing space provision

Material considerations:

- Suffolk Coastal Local Plan Review Policies
- Building for Life 12 (2015 and 2018 editions)
- Rendlesham Neighbourhood Plan Objectives
- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide

The following list comprises material planning policy and guidance which the appellant considers relevant to the determination of this appeal. At the present time the emerging local plan is unadopted. Based on the Local Plan Inspector's letter indicating that the plan could be made sound through modifications, a main modifications consultation is due to commence in March. Some emerging policies have objections and therefore they can be attributed minimal weight at the time of signing this Statement of Common Ground. Further representations are expected to be required on emerging policies once the consultation commences:

- SCLP3.1 Growth Strategy
- SCLP3.2 Settlement Hierarchy
- SCLP3.3 Settlement Boundaries
- SCLP3.5 Infrastructure Provision
- SCLP5.1 Housing Development in Large Villages
- SCLP5.8 Housing Mix
- SCLP5.10 Affordable Housing on Residential Developments
- SCLP8.2 Open Space
- SCLP9.2 Sustainable Construction
- SCLP9.6 Sustainable Drainage Systems
- SCLP10.1 Biodiversity
- SCLP10.4 Landscape Character
- SCLP11.1 Design Quality
- SCLP11.2 Residential Amenity
- SCLP12.62 Land West of Garden Square Rendlesham

Rendlesham Neighbourhood Plan

- RNP Objective 3
- RNP Objective 3a
- RNP Objective 3b
- RNP Objective 3c
- RNP Objective 3d
- RNP Objective 3e
- RNP Objective 3f

NPPF

- NPPF Paragraph 8 and the three dimensions of sustainable development.
- NPPF Paragraph 11 and the Presumption in Favour of Sustainable Development.
- NPPF 38 approach to decision-making
- NPPF Paragraph 47

- NPPF Paragraph 59
- NPPF Paragraph 91
- NPPF 122 Efficient use of land
- NPPF Paragraphs 124 to 132 on Design
- NPPF Paragraph 177

**9. Areas where the parties are working together and there is a prospect of resolving a related reason for refusal.**

- Reason for Refusal no.1 has been withdrawn by the LPA.
- The provision of the final draft s106 is expected to satisfy Reason for Refusal no.2.
- Reason for Refusal no.4. Through reference to the submitted Odour Assessment of May 2018 and the provision of an updated Odour Assessment of September 2019 this reason for refusal has been withdrawn by the LPA.
- Reason for Refusal no.6 Natural England have now commented on the appeal in a letter received by the inspector on 12.03.20. A Habitats Regulations statement of common ground has been concluded by parties on 11.03.20. Disagreement remains in this area.
- Reason for Refusal no.7 By referring the LPA to the relevant sections of the Planning Statement and the Flood Risk Assessment and by providing the sewer diversion application of 28 May 2019, submitted as part of the appeal submission, this reason for refusal has been withdrawn by the LPA..
- Reason for Refusal no.8 It is anticipated that an agreed final draft s106 will be available to the Inspector by 17<sup>th</sup> March 2020 and thereafter RfR8 being satisfied.

**10. A table setting out areas of agreement and disagreement in relation to each remaining reason for refusal (or putative reason for refusal where the appeal is against non-determination) on a topic by topic basis.**

Areas of Agreement			
Topic or Reason for Refusal	Sub topic	Appellant	LPA
Procedural Matters	Positive engagement	NPPF paragraph 38 requires the LPA to engage in a positive and creative way. NPPG requires LPAs to make clear to applicants if it considers insufficient information has been included with the application to make a decision. NPPG gives guidance on the circumstances in which an extension of time should be sought from the applicant.	The LPA acknowledges the appellant's position on this, however it has no influence on the planning merits and policy interpretation to be considered by the inspector.
	Clarity of Decision Making	The DMPO Section 31.(1)(b) of the Development Management Procedure Act 2010 (as amended) requires; where planning permission is refused, the notice shall state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.	The Council confirms its position that it addressed The DMPO Section 31.(1)(b) of the Development Management Procedure Act 2010 (as amended) appropriately in reaching a decision

		The Appellant takes the view the decision notice and officer's reports were not clearly written.	
	Strategic vs development management policies	Policies SP3 and SSP12 are strategic policies and not development management policies.	Agreed. Plus SP2 and SSP1
	Appendix 1 of the Appellant's Statement of Case. An email from Ben Woolnough dated 20/03/2018	<p>The LPA take issue with the Appellant's use of the email from Ben Woolnough dated 20/3/18 in his Planning Statement for 19/1499 which is noted but it was not the only advice provided by the Council on the subject of tilted balance as can be seen in Appendices 1c and 1d of the Planning Statement for 19/1499.</p> <p>The Council have not taken issue with either the veracity of, or the Appellant's use of, the formal pre-app advice given by the Council in December 2018 on tilted balance and development plan status.</p> <p>The Appellant has stated in his Planning Proof of Evidence that essentially the same advice on tilted balance and development plan status was provided by the previous case officer as part of pre-app advice received verbally on 11<sup>th</sup> December 2018 and subsequently agreed by that case officer by email of 19<sup>th</sup> December 2018.</p>	This was not the most up to date information the appellant's agent had received from Ben Woolnough and that it did not reflect up to date information on housing land supply and the status of SP2 for titled balance purposes.
5 year supply	Five year Housing Land Supply	The Appellant acknowledges that the Council claims to have a 5 year housing supply.	The Council has a five year housing land supply.
Policy	The Most Important policies for the determination of this appeal	SSP12, DM21, DM22, DM23 and if the LPA had no 5 year supply this would include SP2	Agreed
Dev Plan Status	The development plan status	Agreed that SSP12, DM21, DM22 and DM23 are not affected by the SP2 position.	Agreed
Tilted balance	The application of the paragraph 11 tilted balance	Agreed whilst that situation applies.	<p>That a 5 year housing land supply is not disagreed</p> <p>That with a 5 year supply SP2 is not a 'most important' policy</p> <p>That no 'most important' policies are out of date</p> <p>That under these circumstances the paragraph 11 tilted balance</p>

			does not apply
Matters of Planning Principle	Principle of Development on the appeal site	The appeal site is and has been allocated for many years for housing – the principle of development and the sustainability of the site location is agreed.	Agreed
	Quantum of development	The site has historically been allocated for 75 dwellings	It has and is currently allocated for approximately 50 dwellings.
	The SSP12 'limiting factors'	The Local Plan says that the village has capacity to accommodate more than the 100 homes proposed (50 on SSP12, 50 on SSP13) but limits the numbers to 2 x 50 due to 'limiting factors'. It is now agreed that the limiting factors, in of themselves, do not depress the site's ability to accommodate 75 dwellings.	Agreed
	Control of the red line area	The Appellant has now provided the LPA with sufficient information to show he has control of and has served notice on all other parties which control the area covered by the red line area. All of these parties are now named on the draft s106 agreement as signatories.	This is agreed.
Reason for Refusal no.1	Status of Policy SSP12	The policy is not a development management policy. Its replacement SCLP12.62 has been classified by the local plan Inspector as a Strategic Policy.	Agreed though it is to be used to inform development management decision making.
		The housing figure in the policy derives from policy SP2.	The housing figure of approximately 50 in the allocation policy contributes to the housing numbers planned for to support the 7,900 homes sought by SP2.
Reason for refusal no.2	Location of affordable housing units	The draft s106 agreement provided to the LPA at the meeting of 12 <sup>th</sup> June 2019 and prior to determination included an Affordable Housing Locations Plan as referred to under 'Definitions' and 'Affordable Dwellings' in the first part of the third schedule. The officer's report states in the conclusion "A draft S106 has been submitted for the proposal".	A paper copy of the draft s106 agreement was shared with the case officer on 12 <sup>th</sup> June, this is agreed. It was not formally shared with the required legal officers of its LPA and County signatories in digital format. The LPA is unable to find evidence of this containing any plans but is not claiming this was not provided nor can the appellant prove it was.
	Policy SP3	Policy SP3 does not require a	SP3 pre-text is also clear that a

		mix of dwelling sizes and tenure. It espouses the Council's 'strategy', it is not a 'requirement' on applicants.	SHMA will be the more up to date influence on these.
	Policy SP3 preamble	Agreed, but also that local plan paragraph 3.49 states the SHMA is a 'general starting point'.	SP3 pre-text is clear that a SHMA will be the more up to date influence on these.
	Table 3.6	Table 3.6 referred to in paragraph 3.50 of the Core Strategy is couched in terms of being "a general rule across the district" and shows target proportions which are to be updated on a regular basis according to the SHMA.	Agreed. The Council is making reference to the SHMA housing mix for this scheme.
	Table 5.1	Table 5.1 of the emerging local plan has a different target mix based on more recent evidence.	Agreed. Because it is based on an up to date SHMA.
	% of affordable housing	The Appellant provided information on the % of affordable housing proposed in the Planning Statement, the Economic Viability Analysis, the draft Heads of Terms and the draft Section 106 Agreement.	The % of affordable housing (if tenures accepted) is agreed. The tenure of rented affordable housing was voluntarily changed by the appellant on 28 <sup>th</sup> February 2020
	Mix of house sizes	The proposed development provides 14 x one-bedroom properties, 27 x two-bedroom properties, 20 x three-bedroom properties, and 14 x four-plus-bedroom properties. The degree of alignment with Policy SP3 and Table 3.6 is in dispute	Agreed.
Reason for refusal no.4	The Cordon Sanitaire	Based on the submitted Odour Assessment of May 2018 and a more recent confirmatory assessment of 2019 submitted as part of the appeal, the LPA have withdrawn this reason for refusal.	Agreed
Reason for refusal no.7	Policy requirements of SSP12	The Appellants maintain that they provided information on the existing sewers and the proposed sewer diversion in the Planning Statement, the Flood Risk Assessment, and the Sewer Survey in April 2019. The LPA did not request any further information on the sewers prior to the refusal of 6 September 2019. The appellant also maintains that Strategic policy	Although withdrawn The Council maintains that this was policy led and was information required to inform a decision – it has implications on how the site is delivered and the latest phasing plan has not accounted for the sewer diversion works needing to be completed in phase 1 (therefore needing further amendment)



		<p>SSP12 includes a criterion requiring that development “Accommodate the sewers that cross the site” and that Policy SSP12 does not require applicants to ‘demonstrate’ said accommodation.</p> <p>The appellant maintains that PPG guidance states that if the LPA consider there is insufficient information to determine a planning application, they are to request it from the applicant as soon as possible.</p> <p>The appellant therefore considers there was sufficient information to lead the LPA to acknowledge that the sewers had been accommodated and therefore negate the reason for refusal.</p> <p>The additional information provided with the appeal, which existed at the time of the application and could have been requested if the LPA needed it to judge whether the development accorded with policy, has meant the LPA have withdrawn this reason for refusal.</p>	
Reason for refusal no.8		<p>The Appellant submitted a CIL Additional Information Form and draft heads of terms for a Section 106 Agreement in the Planning Statement in April 2019, and a draft Section 106 Agreement on 12 June 2019.</p> <p>The LPA did not progress this: ‘The draft s106 is noted but due to the other issues with this application it cannot be progressed’, ref Delegated Report page 36. Reason for Refusal no.8 is a ‘standard’ reason for refusal and is capable of resolution by the provision of an appropriate and concluded legal agreement which the appellant has always been willing to provide</p>	Agreed.
	CIL Reg. 122 compliance. That obligations are:	Agreed.	That all obligations contained within the current draft of the s106 agreement are CIL reg. 122

	<ul style="list-style-type: none"> <li>a. necessary to make the development acceptable in planning terms</li> <li>b. directly related to the development; and</li> <li>c. fairly and reasonably related in scale and kind to the development.</li> </ul>		compliant.
Rendlesham Neighbourhood Plan		<p>Rendlesham Neighbourhood Plan (Made in January 2015). This contains policies relating to the village centre and for the provision of 'allotments, orchards and growing spaces', but leaves all other matters to be dealt with in the Site Allocations and Area Specific Policies Document (January 2017). The RNP specifically states at paragraph 10.01 that "the key tool for taking forward sites for development will be the SCLP [local plan]".</p>	<p>SSP12 requires cross reference to the Neighbourhood Plan in its design and transport objectives. The Neighbourhood Plan is a part of the development plan. Therefore it is part of the collective suite of documents used in decision making.</p>

Areas of Disagreement				
Topic or Reason for Refusal	Sub topic	Appellant	LPA	Prospect of resolution ahead of the Inquiry?
Conduct of the local planning authority	Positive approach	Despite having clear need for information, the LPA refused to seek an extension of time – thereby causing a number of the reasons for refusal and potentially the entirety of the planning appeal.	Policy conflict and design failings of the scheme were so fundamental that they could not be resolved through an extension of time. This was communicated to the appellant well in advance of refusal.	Very low to none
		The LPA decided not to consult Natural England alongside other statutory consultees at the start of the planning application 19/1499.	The Council decided not to consult Natural England in accordance with an agreed process with Natural England and confirmed in Natural England's letter to the Inspector dated 12.03.20	Very low to none

Compliance with the development plan		The proposed development complies with individual policies and does comply with the development plan as a whole.	The proposed development does not comply with individual policies and does not comply with the development plan as a whole.	
Other material considerations		NPPF 68c great weight. Para 94a great weight. Significant weight to PRoW. Para 80 significant weight to housing, including additional affordable housing. All significant and demonstrable benefits in support of a decision in accordance with the development or otherwise.	Those of weight in a section 38(6) consideration are limited to the delivery of new open market and affordable homes and the Public Right of Way contribution. That this does not indicate that a decision should be other than in accordance with the development plan.	
Compliance with the NPPF		That the proposal complies with the NPPF.	That the proposal does not comply with the NPPF. Specifically design paragraphs addressed in the Council's design proof and Character and Appearance SoCG.	
<b>In the event of a tilted balance</b> , the extent of benefits and impacts and weight to them		If the tilted balance were found to apply then there is disagreement over the benefits and impacts and weight given to them in the Officer's Report and more recently in the Council's Planning Proof as covered in the Appellant's Rebuttal Planning Proof.	That the Tilted Balance does not apply. If it did there is disagreement over the benefits and impacts and weight given to them and as referred to in the Council's planning proof.	
The result of a tilted balance		That in applying the tilted balance the development is demonstrably sustainable development and should be approved.	That in applying the tilted balance, it does not fall in favour of allowing the appeal.	
Reason for refusal no.8	Planning obligations	The draft Section 106 Agreement was submitted in a timely manner on 12 <sup>th</sup> June 2019; one month before the decision deadline of 8 <sup>th</sup> July 2019, and in view of the lack of feedback from the LPA on the draft heads of terms, it could not have been submitted any earlier.	A draft s106 was digitally shared with the relevant signatories upon submission of the appeal and is under consideration as part of the appeal process.	Good

**11. List of possible conditions and the reasons for them (including any policy support) The list is to include any conditions that are not agreed, with reasons for the disagreement. This is to follow separate to this SoCG.**



**12. A statement of compliance with statutory and policy requirements for the conditions and Section 106. This**

is to follow separate to this SoCG.

**13. Draft heads of terms of any Section 106 obligations (as submitted with the application), attached as an Appendix to the statement.**

Please see Appendix for the heads of terms submitted with the application.

**14. Core Documents list appended to the statement, based on the attached template at Appendix B (adapted to suit) which list can be added to during the course of the appeal if necessary. The Core Documents should comprise only those documents to which you will be referring. Where any documents on which it is intended to rely are lengthy, only relevant extracts need to be supplied, prefaced with the front cover of the relevant document and should include any accompanying relevant contextual text.**

Signed on behalf of Appellant	Signed on behalf of Local Planning Authority
Date 3 <sup>rd</sup> April 2020	Date 31.03.20
Position Steven Bainbridge MRTPI, Principal Planning Manager, Parker Planning Services Ltd on behalf of Capital Community Developments Ltd. 	Position Ben Woolnough – Major Sites and Infrastructure Manager 

## **Appendices**

### **Core Document List**

#### **CD1 Application Documents and Plans**

##### **Documents and Reports**

- 1.1 Application Form, Applicant, April 2019
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- 1.29 Elevations and floor plans part 4 (single garage, double garage), Applicant, April 2019
- 1.30 External Materials Schedule, Applicant, April 2019

#### **CD2 Additional/Amended Reports and/or Plans submitted after validation**

- 2.1 Draft Section 106 Agreement, Applicant, 12 June 2019
  - Appendix - Affordable Housing Locations Plan

#### **CD3 Committee Report and Decision Notice**

- 3.1 Officer's Report, East Suffolk Council, undated
- 3.2 Decision Notice, East Suffolk Council, 8 July 2019

#### **CD4 The Development Plan**

- 4.1 Core Strategy and Development Management Policies DPD, July 2013

- 4.2 Site Allocations and Area Specific Policies DPD, January 2017
- 4.3 Rendlesham Neighbourhood Plan, July 2015
- 4.4 Saved policies from previous 2001 Local Plan

#### **CD5 Emerging Development Plan**

- 5.1 Suffolk Coastal Local Plan Final Draft Plan, January 2019

#### **CD6 Relevant Appeal Decisions**

- 6.1 ...

#### **CD7 Relevant Judgements**

- 7.1 ...

#### **CD8 New Documents and Plans not previously submitted**

- 8.1 Brief for Archaeological Excavation, Suffolk County Council Archaeological Service, 17 May 2019
- 8.2 Hearing Statement, Suffolk Coastal Local Plan Review Examination in Public, Parker Planning Services, 2 August 2019
  - Appendix 1 – Comparison of criteria in existing Policy SSP12 with emerging Policy SCLP12.62
  - Appendix 2 – Consultation Response regarding planning application Dc/19/1499/FUL, Anglian Water, 8 May 2019
  - Appendix 3 – Odour Assessment, Air Spectrum, May 2018
  - Appendix 4 – Cordon sanitaire, Plans, Parker Planning Services, July 2019
  - Appendix 5 – Excerpt from Decision Notice (RFR 4), East Suffolk Council, 8 July 2019
  - Appendix 6 – Odour Assessment, Air Spectrum, February 2014
  - Appendix 7 - Email confirming extent of cordon sanitaire, Anglian Water, 15 December 2017
- 8.3 Addendum to Hearing Statement, Suffolk Coastal Local Plan Review Examination in Public, Parker Planning Services, 2 August 2019
- 8.4 Second Addendum to Hearing Statement, Suffolk Coastal Local Plan Review Examination in Public, Parker Planning Services, 15 September 2019
  - Appendix - Odour Assessment, Air Spectrum, September 2019
- 8.5 Noise Assessment, Sharps Redmore, November 2019

#### **CD9 Documents referenced in Council Proofs of evidence**

- 9.1 National Planning Policy Framework 2019 - <https://www.gov.uk/government/publications/national-planning-policy-framework--2> **probably doesn't need to be printed as everyone has a copy**
- 9.2 National Design Guide 2019 - <https://www.gov.uk/government/publications/national-design-guide>
- 9.3a Building for Life 12 2015 - <https://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition>
- 9.3b Building for Life 12 2018 - [http://www.builtforlifehomes.org/downloads/BfL12\\_2018.pdf](http://www.builtforlifehomes.org/downloads/BfL12_2018.pdf)
- 9.4 Suffolk Constabulary Designing Out Crime Officer's consultee comments (undated) <http://publicaccessdocuments.eastsuffolk.gov.uk/NorthgatePublicDocs/01484038.pdf>
- 9.5 Suffolk Coastal District Council Core Strategy Appropriate Assessment (2011) (The Landscape Partnership). <https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Core-Strategy-and-DMP/AA-Report-Nov-2011.pdf>
- 9.6 Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Technical Report (Footprint Ecology). <https://www.eastsuffolk.gov.uk/assets/Planning/Section-106/Habitat-mitigation/Suffolk-HRA-RAMS-Strategy.pdf>
- 9.7 East Suffolk (Suffolk Coastal Area) Final Draft Local Plan Habitats Regulations Assessment (2018) (Footprint Ecology). <https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Final-Draft-Local-Plan/Habitats-Regulations-Assessment.pdf>
- 9.8 East Suffolk Council Habitats Regulations Assessment (HRA) Template. <https://www.eastsuffolk.gov.uk/assets/Planning/Section-106/Habitat-mitigation/Suffolk-Coast-RAMS-HRA-Record.pdf>
- 9.9 Cruickshanks, K., Liley, D. and Hoskin, R. (2010). Suffolk Sandlings Visitor Survey Report. Footprint

Ecology/Suffolk Wildlife Trust. <https://www.footprint-ecology.co.uk/reports/Cruickshanks%20et%20al.%20-%202010%20-%20Suffolk%20Sandlings%20Visitor%20Survey%20Report.pdf>

9.10 Pet Food Manufacturer's Association (PFMA) dog population statistics (2019)

(<https://www.pfma.org.uk/dog-population-2019>) (accessed 25/02/2020).

9.11 Rendlesham Parish Profile (October 2019)

(<https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Town-and-village-profiles/Rendlesham-Village-Profile.pdf>).

9.12 PDSA Animal Wellbeing (PAW) Report (2019). [https://www.pdsa.org.uk/media/7420/2019-paw-report\\_downloadable.pdf](https://www.pdsa.org.uk/media/7420/2019-paw-report_downloadable.pdf)

9.13 Nature Nearby – Accessible Natural Greenspace Guidance (March 2010) (Natural England).

[http://www.ukmaburbanforum.co.uk/documents/other/nature\\_nearby.pdf](http://www.ukmaburbanforum.co.uk/documents/other/nature_nearby.pdf)

9.14 Jenkinson, S. (2013). Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers.

<https://documents.hants.gov.uk/ccbs/countryside/planningfordogownership.pdf>

9.15 Habitats Regulations Assessment for Suffolk Coastal District Council Proposed Submission Site Allocations and Area Specific Policies (February 2016) and Addendum (March 2016) (The Landscape Partnership).

<https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Site-Allocations-and-Area-Specific-Policies/Main-Modifications-Consultation/Felixstowe-AAP-HRA-October-2016.pdf>

and

<https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Site-Allocations-and-Area-Specific-Policies/Main-Modifications-Consultation/Sites-DPD-HRA-October-2016.pdf>

9.16 Wickham Market Parish Profile (October 2019)

(<https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Town-and-village-profiles/Wickham-Market-Village-Profile.pdf>)

9.17 Framlingham Parish Profile (October 2019)

(<https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Town-and-village-profiles/Framlingham-Town-Profile.pdf>)

9.18 Expired Suffolk Coastal Local Plan (2001) policy AP160

9.19 Wavendon Properties Ltd v SSHCLG

9.20 Bell Lane, Kesgrave Appeal Decision

9.21 – no document number missed

9.22 Housing Land supply assessment 2019 <https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Monitoring-Information/Five-Year-Supply-of-Land-for-Housing/083-Statement-of-housing-land-supply-March-2019.pdf>

## **CD10 Documents referenced in Appellant Proofs of Evidence and Rebuttal Proofs**

10.1 (Appellant Design Proof App3) Velux Daylight, Energy and Indoor Climate Basic Book v3 2014

10.2 (Appellant Ecology Proof CD1) Akester (Wightlink Ferries) case no CO/1834/2009 citation 2010 EWHC 232 (Admin) 16th February 2010

10.3 (Appellant Ecology Proof CD2) Shadwell Estates case, no CO/8634/2012, Neutral citation (2012) EWHI 12 (Admin) 11th January 2013

10.4 Former saved local plan 2001 incorporating 2006 alterations (specifically policies AP19, AP20 & AP39)



This section sets out the items anticipated to be delivered through Section 106 and the Community Infrastructure Levy.

Planning obligations mitigate the impact of development to make it acceptable in planning terms. Obligations should meet the statutory tests in the Community Infrastructure Levy Regulations 2010 and the policy tests in the Framework.

The Framework states:

*Planning obligations must only be sought where they meet all of the following tests (Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010):*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

### **Affordable Housing**

Affordable Housing of 33% or 25 units:

- 12 homes or 48% for build to rent (affordable private rent – 20% rent discount relative to local market rents inclusive of service charge and lifetime tenancies); and
- 13 homes or 52% for discounted market sale.

### **Public Open Space**

Transfer to and ongoing maintenance of public open space by a management company.

### **Community Infrastructure Levy**

The proposed development will be subject to Community Infrastructure Levy. Using the local planning authorities own online CIL calculator the anticipated CIL contribution arising

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from the development would be around £700,000 of which around £175,000 would go to the parish council because they have a made neighbourhood plan.

25% of this figure will be allocated to the Parish Council by the District Council. This is higher than the baseline 15% because Rendlesham has a Made neighbourhood plan.

By comparison the likely CIL figure that would arise from a development of 50 dwellings could be in the region of the lower figure of £450,000.

### **Recreation Avoidance Mitigation Scheme (RAMS)**

In conjunction with the submitted Habitats Regulations Assessment the Council's RAMS a contribution is to be agreed with the local planning authority. Whilst it remains unclear whether RAMS has been formally adopted by the local planning authority it is expected that it will have been by the time this application is determined. Clearly if the scheme has not been adopted the local planning authority will need to consider whether it is proper to require the applicant to adhere to the scheme.

### **Bridleway Link**

Provision of a bridleway link within the site along the eastern boundary (location to be confirmed) with a contribution in the region of £8,071.25 payable to SCC.

### **Sustainable Transport**

Transport Information Board Contribution - £15,000 payable to SCC for provision of a solar-powered real time screen at the Redwald Drive stop opposite Sparrowscroft Road.

### **Note**

Although the refusal of DC/18/2371/FUL referred to a "failure to provide a Travel Plan, in accordance with SCC guidance", the scale of the development does not require a Travel Plan and SCC proposed that travel plan measures would be secured via condition.