

STRATEGIC PLANNING COMMITTEE – 9th September 2019

APPLICATION NO DC/19/1988/OUT

LOCATION Land To The North Of The A14 And To The West Of The A12, Foxhall

EXPIRY DATE 18th September 2019 (Application withdrawn 22nd August 2019)

APPLICATION TYPE Outline Planning Application

APPLICANT Gladman & Orwell Settlement Trustees

PARISH Foxhall Parish and Bucklesham Parish

PROPOSAL Outline Application (with all matters reserved except for means of access for the erection of up to 2,700 dwellings, (including 33% affordable housing); apartments with care (C2 use class); vehicular access from a new roundabout off the A12, improvements to Felixstowe Road (including pedestrian/cycle footways); accesses and two roundabouts on Bucklesham Road; Layout to incorporate neighbourhood centres and market square (use classes A1, A2, A3, A4, A5, D1 and D2), two primary schools; Green Infrastructure including a village green, sports pitches and courts, club house, changing facilities, a community park (and car park), trim trail, neighbourhood equipped areas of play, locally equipped areas of play, habitat enhancement, landscaping and public realm works, community orchard, allotments, footpaths and cycling routes. Removal of existing on site reservoirs.

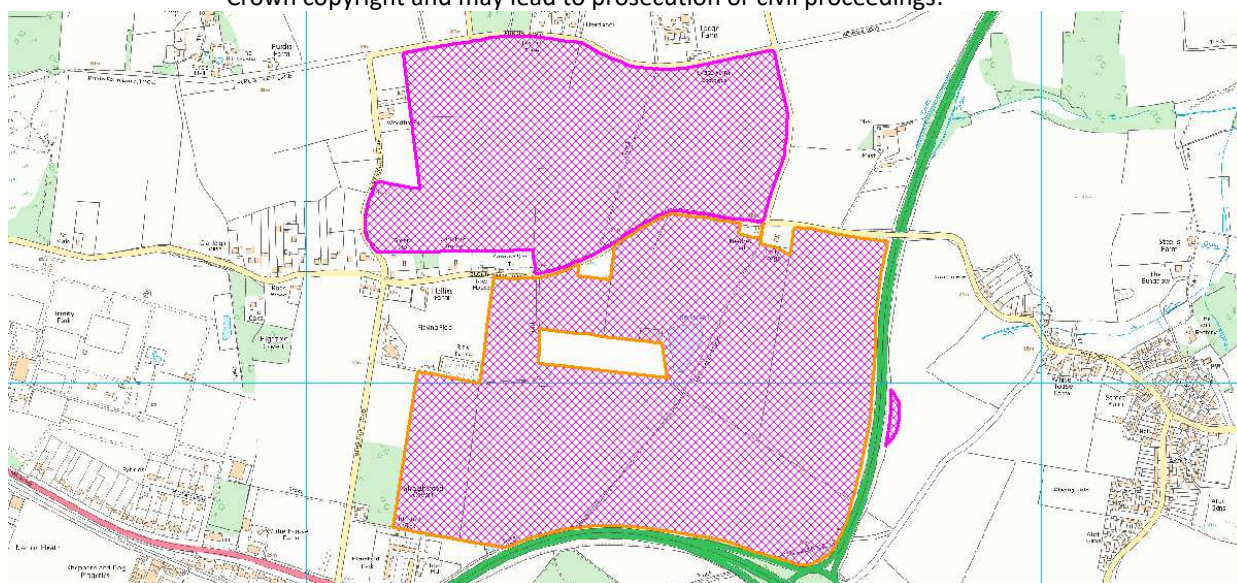
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MAP

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1. EXECUTIVE SUMMARY

This report does not make a recommendation as it is a summary of the outcome of the application submitted on 15th May and withdrawn on 22nd August 2019. Based on the scale of this proposal it would not have been a delegated decision to approve or refuse and therefore it is considered appropriate to update the Strategic Planning Committee on the outcome of its consideration following its withdrawal. This summarised report therefore sets out some facts, opinions and conclusions reached ahead of what would have been a recommendation of refusal.

2. BASIC SITE DESCRIPTION

- 2.1. The site covers 142.1 hectares of agricultural land to the north of the A14 and to the east of the A12, where they meet at junction 58 of the A14 (the Seven Hills Roundabout). The majority of the site is within the parish of Foxhall, the south east corner of the site is in Bucklesham parish. Bucklesham Road runs east-west through the centre of the site and the northern part of the site is framed by Purdis Road and Hall Road. The site is located in the countryside and is 1.2km (in a straight line) from the closest edge of the Physical Limits Boundary for Purdis Farm (a Major Centre element of the Eastern Ipswich Plan Area). The site is also approximately 300 metres (by road) from its closest point to the Physical Limits Boundary of Bucklesham village, which is a Local Service Centre to the east.

3. BASIC DESCRIPTION OF THE PROPOSAL

- 3.1. The application sought outline planning permission with all matters reserved except access and the applicants named the proposed development 'Orwell Green Garden Village'. In that respect the application sought detailed approval of all vehicular access points and pedestrian and cycle connections into and out of the site. Matters of appearance, landscaping, layout and scale were reserved matters and would be dealt with under future reserved matters applications (if it gained consent) which would be subject to full consultation with statutory and non-statutory consultees and the local community. The proposal would provide:

- Land for up to 2,700 new homes (to include affordable housing).
- A mixed-use Neighbourhood Centre to include retail, employment (offices), health care, community hall and leisure facilities.
- Extra Care provision (70 apartments).
- Land for two new Primary Schools including Pre- School provision
- Pub/ Restaurant.
- Community Park
- Sports Provision with Changing Facilities
- Village Green with Cricket Pitch and Community Orchard
- Allotments
- Children's Play Areas
- Attenuation Basins
- Green Links

3.2. Three access routes were proposed into the site which were:

- A new roundabout from the A12, north of the junction with the A14 and before the Bucklesham Road flyover.
- Two new roundabouts on Bucklesham Road that lead into the north and south of the site.

3.3. The development proposal had been subject to a prior Environmental Impact Assessment (EIA) Scoping process, recognising that this application would need to be accompanied by an Environmental Statement addressing a wide range of environmental considerations. The application was accompanied by an Environmental Statement (ES) and the necessary additional consultation requirements of the EIA legislation have been followed on that basis.

4. CONSULTATIONS

4.1. The application involved a consultation period from the 5th June 2019 to the 26th June 2019 for Consultees including Parish Councils. For the neighbouring properties the consultation period was from the 5th June 2019 to the 26th June 2019, this was then extended to an additional consultation from the 4th July 2019 to the 25th July 2019 as there were some properties that did not receive the original consultation letter. 11 site notices were placed around the site, which were posted on the 5th June 2019. A notice was placed in the East Anglian Daily Times on the 13th June 19 and ran until the 11th July 2019.

4.2. SUMMARY OF CONSULTATION RESPONSES RECEIVED:

- **Highways England** – Holding Objection
- **Sport England** – Supports the application in Principle, conditions recommended
- **Natural England** – Initial response highlights that they may need to object.
- **Environment Agency** – Raise some concerns
- **SCC Development Contributions Manager** - Requests infrastructure requirements, specifically education needs and requests the inclusion of a site for a secondary
- **Suffolk County Council** – Highway Authority – Holding Objection
- **Suffolk County Archaeological Unit** – Request Archaeological investigation
- **Suffolk County Council - Rights Of Way** – No response received
- **Suffolk County Council - Minerals and Waste** – Holding Objection
- **Suffolk County Council, Flood and Water Management (Lead Local Flood Authority)** – Holding Objection
- **Anglian Water** – Recommend conditions
- **Secretary of State for Communities and Local Government** – Has not requested additional information.
- **Historic England** - No comments received
- **Mid-Suffolk and Babergh District Councils** – Object
- **Ipswich Borough Council** - Object
- **Suffolk Constabulary - Traffic Management Officer** – Raises concerns
- **East Suffolk Environmental Protection** – Raise concerns over lacking information

- **Suffolk Constabulary - Designing Out Crime Officer** – provides guidance
- **Essex and Suffolk Water PLC** - comments
- **Suffolk Fire and Rescue Service** – request fire hydrants
- **Suffolk Wildlife Trust** – comments
- **Woodbridge Society** - Object
- **Suffolk Constabulary - Business Liaison Officer** - unable to respond within time
- **Network Rail** – No comment

4.3. **PARISH COUNCIL, TOWN COUNCIL RESPONSES**

This site is primarily within Foxhall Parish covered by Brightwell, Foxhall and Purdis Farm Group Parish Council. A small part of the site sits within Bucklesham Parish. Both of those Parish Councils have objected to the application. Objections were also received from the following Parish and Town Councils: Kesgrave, Martlesham, Nacton, Levington, Waldringfield, Rushmere St Andrew

4.4. **THIRD PARTY REPRESENTATIONS**

112 letters, emails and on-line comments raising objections have been received from residents in the local area. Some contributors have responded with more than one letter/email. Two letters of support have also been received.

5. **PLANNING POLICY**

- 5.1. The relevant policies of the East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

SP1 - Sustainable Development
 SP1a - Presumption in Favour of Sustainable Development
 SP2 - Housing Numbers and Distribution
 SP3 - New Homes
 SP9 - Retail Centres
 SP10 - A14 & A12
 SP11 - Accessibility
 SP12 - Climate Change
 SP14 - Biodiversity and Geodiversity
 SP15 - Landscape and Townscape
 SP16 - Sport and Play
 SP17 - Green Space
 SP18 - Infrastructure
 SP19 - Settlement Policy
 SP20 – Eastern Ipswich Plan Area
 SP29 - The Countryside

DM1 - Affordable Housing on Exception Sites
 DM3 - Housing in the Countryside
 DM4 - Housing in Clusters in the Countryside
 DM5 - Conversions and Houses in Multiple Occupation
 DM10 - Protection of Employment Sites

- DM13 - Conversion and Re-use of Redundant Buildings in the Countryside
- DM14 - Farm Diversification
- DM19 - Parking Standards
- DM20 - Travel Plans
- DM21 - Design: Aesthetics
- DM22 – Design: Function
- DM23 - Residential Amenity
- DM24 - Sustainable Construction
- DM26 - Lighting
- DM27 - Biodiversity and Geodiversity
- DM28 - Flood Risk
- DM32 - Sport and Play

- 5.2. The relevant Policies of the East Suffolk Council - Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (adopted January 2017) are: SSP2 – Physical Limits Boundaries
- 5.3. The site partially extends into Bucklesham Parish. Bucklesham and the area east of the A12 are within the area covered by the Felixstowe Peninsula Area Action Plan (adopted January 2017).
- 5.4. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019, and the examination hearings are currently taking place between 20th August 2019 and 20th September 2019. The relevant emerging policies are:

- SCLP 2.1 - Growth in the Ipswich Strategic Planning Area
- SCLP 2.2 - Strategic Infrastructure Priorities
- SCLP 2.3 - Cross-boundary mitigation of effects on Protected Habitats
- SCLP 3.1 - Strategy for Growth in Suffolk Coastal District
- SCLP 3.2 - Settlement Hierarchy
- SCLP 3.3 - Settlement Boundaries
- SCLP 3.5 - Infrastructure Provision
- SCLP 4.8 - New Retail and Commercial Leisure Development
- SCLP 4.12 - District and Local Centres and Local Shops
- SCLP 5.3 - Housing Development in the Countryside
- SCLP 5.4 - Housing in Clusters in the Countryside
- SCLP 5.5 - Conversions of Buildings in the Countryside for Housing
- SCLP 5.8 - Housing Mix
- SCLP 5.9 - Self Build and Custom Build Housing
- SCLP 5.10 - Affordable Housing on Residential Developments
- SCLP 5.11 - Affordable Housing on Exception Sites
- SCLP 7.1 - Sustainable Transport
- SCLP 7.2 - Parking Proposals and Standards
- SCLP 8.1 - Community Facilities and Assets
- SCLP 8.2 - Open Space
- SCLP 8.3 - Allotments
- SCLP 8.4 - Digital Infrastructure
- SCLP 9.1 - Low Carbon & Renewable Energy
- SCLP 9.2. - Sustainable Construction

SCLP 9.5 - Flood Risk
SCLP 9.6 - Sustainable Drainage Systems
SCLP 9.7 - Holistic Water Management
SCLP 10.1 - Biodiversity and Geodiversity
SCLP 10.2 - Visitor Management of European Sites
SCLP 10.3 - Environmental Quality
SCLP 10.4 - Landscape Character
SCLP 10.5 - Settlement Coalescence
SCLP 11.1 - Design Quality
SCLP 11.2 - Residential Amenity
SCLP 11.6 - Non-Designated Heritage Assets
SCLP 11.7 – Archaeology
SCLP12.18 - Strategy for Communities surrounding Ipswich

- 5.5. The site allocation is not within an approved Neighbourhood Area or a made Neighbourhood Plan Area.

6. CONSIDERATION

- 6.1. A full assessment of the application was due to be concluded within a report presenting a recommendation of refusal to this 9th September Strategic Planning Committee. As the application was withdrawn shortly ahead of the completion of the report, a comprehensive assessment is not now presented. This summary report instead provides a brief record of key areas where shortfalls in the application, impacts of the development and policy conflicts had been recognised prior to its withdrawal.
- 6.2. A considerable number of shortfalls in the submission related to the quality and extent of supporting information, particularly that contained within chapters and appendices of the Environmental Statement. The application is EIA development and the submission considers cumulative effects with current committed development in the District and within Ipswich Borough. Allocations in the emerging Local Plan, have not been factored into the necessary Environmental Impact Assessment of this proposal. Considering the advanced stage of the emerging Local Plan, that is now considered necessary. The Council did not formally request that the Environmental Statement be revised to address this (as that would trigger a resubmission and reconsultation process), however this was been made clear in consultation responses and dialogue over the course of the application.
- 6.3. The shortfalls of this submission highlight the importance and value of well structured and detailed pre-application engagement with the Local Planning Authority, Statutory Consultees and the local community. The applicants chose not to undertake any formal pre-application engagement with the Local Planning Authority and a range of important consultees. The engagement with the local community was limited to a small number of meetings and events in November 2018.

Principle of Development and relationship with the Development Plan

- 6.4. This application was been submitted in parallel with the applicants' promotion of the site for inclusion in the emerging Suffolk Coastal Local Plan. The site is not included as an allocation in the emerging Local Plan which is subject to examination in public between 20th August

and 20th September 2019. The site has been promoted as an alternative site in addition to the allocations being planned for across the District. On that basis the proposal would be an additional 2,700 homes on top of the 10,476 homes included within the emerging plan.

- 6.5. Under current Core Strategy policy the site is within the Policy SP20 Eastern Ipswich Plan Area (EIPA). This site is entirely within the countryside section of EIPA covered by Policy SP29 (The Countryside) which restricts development in the countryside. This is further amplified by Policy SSP2 of the Site Allocations and Area Specific Policies Document (2017) which states that proposals for new residential development outside physical limits boundaries will be strictly controlled.
- 6.6. Within the emerging Local Plan, Policy SCLP12.18 (Strategy for Communities surrounding Ipswich) will replace the strategic approach to what was previously known as the EIPA contained in Core Strategy Policy SP20. This is accompanied by a site specific policy for Brightwell Lakes, recognising that site as the key strategic area for growth within this area based on its current planning permission. Policies SCLP3.3 (Settlement Boundaries) and SCLP5.3 (Housing Development in the Countryside) retain a similar approach to restricting development in the countryside and directing it to planned sites and urban areas.
- 6.7. The emerging Local Plan seeks to direct new allocations for strategic housing growth to Felixstowe and Saxmundham and multiple other allocations across towns and villages in order to accommodate plan led growth of 10,476 homes over the lifetime of the plan - 2018-2036. The inspector for the Local Plan examination has been clear that alternative sites not included in the plan (such as this) are not due to be debated in detail and sites that have been included in the Local Plan will instead be the focus of the examination. It is the soundness of the Council's plan put forward which is being examined, not the merits of an alternative plan.
- 6.8. If this application was capable of being approved now, the approval of 2,700 homes, as the largest housing site in District and a considerable focus of growth in a sensitive policy area, would undermine the current plan making process. It would result in considerable additional housing numbers for the District over the plan period and it would lead to challenges for the examination of the Local Plan, which has not taken this site (if consented) into account. The proposal is so large that, with consent, it would need to be an important consideration for the examining inspector. This would be a case of 'prematurity', a position recognised by the NPPF as justifying refusal at this point in time.
- 6.9. The applicants have suggested that the site is deliverable and capable of swiftly delivering homes. They have also suggested that the site is not necessarily being promoted for inclusion in the current emerging Local Plan and that it may instead form part of a future Local Plan review. The timing of such a future review and its direction of growth cannot be predicted. This suggestion put forward by the applicants, associated with the current examination, had no bearing on decision for the application and further reinforces that this site should instead continue to be considered through a plan-led approach and not as a premature planning application. It should be noted that both neighbouring Local Planning Authorities (Ipswich Borough Council and Babergh and Mid Suffolk District Councils) have objected to this application raising strong concerns about the strategic influence approval of this proposal may have across boundaries including the importance of shared significant infrastructure.

Transport and Movement

- 6.10. Notably, as part of the Environmental Statement, the Transport Assessment was flawed in its scope and some methodology and on that basis holding objections were received from Highways England and Suffolk County Council Highway Authority. Based on the lacking assessment and in the absence of suitable evidence to demonstrate otherwise, impacts of the development on the highway network would be severe. Even with adequate assessment there were considerable concerns over the relationship of the site with rural roads running through and north of the site and the implications for the A14 and A12.
- 6.11. From a highways and sustainability perspective, the most notable shortfall of the proposal is its highly unacceptable disregard for sustainable connections to and from the site for pedestrians and cyclists. The Transport Assessment suggests some minor improvements to Felixstowe Road but the existing routes into Ipswich and surrounding urban areas are wholly inadequate to safely and sustainably connect 2,700 homes to the facilities, services and employment that residents would require. It is not acceptable to discount off-site pedestrian and cyclist infrastructure/improvements based on internal on-site services and facilities within a long-term phased development site. The submitted proposal would have resulted in a major new community of residents, physically isolated from surrounding destinations by way of pedestrian and cyclist connectivity. This would not represent sustainable development and would result in a community largely reliant on private motor cars and a yet to be determined single new bus route.

Education

- 6.12. Associated with the above sustainable connection issue is the reliance of the proposal on off-site secondary schools. All existing local secondary schools are beyond a reasonable walking distance and none are served by a good quality, pedestrian focussed route. Some secondary schools are within potential cycling distance but cycling infrastructure is poor and the application does not demonstrate safe and suitable cycling improvements for the area. This contributes to an increased need for on-site secondary education provision. The County council have requested that the masterplan incorporates sufficient land to provide a secondary school. This is due to the limited local capacity and reliance of the site on school buses to transport its secondary school pupils to local secondary schools as an alternative. This lacking element of the masterplan contributes to a wider shortfall in the necessary masterplanning process and significant lack of engagement.

Masterplanning and Design

- 6.13. Feedback has been received from the Council's Design and Conservation Officers, setting out concerns regarding the approach taken within the masterplan. The masterplanning of this proposed 'garden village' largely fails to satisfy the garden community principles, which it claims to depend on. Specifically the emphasis of Garden Communities being locally led. Good planning and urban design relies upon collaborative design including the early involvement of communities and consultees. That is not evident in the submitted scheme and therefore flaws across many considerations relate to a lack of clarity on what may be achieved on the site and how successful that may be in achieving good design, a cohesive community and suitably designed-in mitigation.

Ecology and Biodiversity

6.14. A fundamental starting point for any major site masterplan within East Suffolk must be the integration of green infrastructure. In particular the provision of Suitable Alternative Natural Greenspace (SANG) is necessary in order to attempt to mitigate likely significant effects on the European Natura 2000 sites in the area – in this case the Deben and Orwell Estuaries. The current masterplan and supporting information do not provide sufficient reassurance that the proposal would mitigate the effects of this development by providing the quantity and quality of green infrastructure for the whole development and throughout all phases. This is an essential planning policy requirement as well as a necessary provision in order to pass an Appropriate Assessment, as required by the Conservation of Habitats and Species Regulations 2017. Furthermore, the Council's ecologist has found shortfalls in in protected species surveys across the site.

Environmental Effects

6.15. Consideration has been given to the environmental effects of this development by the Environmental Protection team, these include the noise impacts on future residents of the site, contaminated land considerations and the effect of the development on air quality. In respect of noise, this site is highly affected by the A12 and A14 which add considerable noise effects to the quality of life which would be enjoyed by large parts of the site without mitigation. This would need to be mitigated through a perimeter bund and attenuation fence on the southern and eastern boundaries and high standards of glazing with non opening windows to properties in those areas. As a result of the sub-standard approach taken to masterplanning the effect of these forms of mitigation on the design of the development and quality of life of residents has not yet been fully appraised, though it does cause concern. In respect of Contaminated Land considerations, officers have highlighted that supporting investigations fall short of expectations to allow a conclusion on risk to be reached. The effect of the development on air quality (through traffic effects) cannot be appraised until the Transport Assessment has been agreed by the County Highway Authority as it is influenced by that work.

Minerals Planning

6.16. The County Waste and Mineral Planning Authority has responded to the application with an objection relating to the extent of ground investigation which has taken place on the site and the site's situation as minerals safeguarding area. The site does have potential to be a major sand and gravel resource and in order to safeguard any potential resource and not sterilise potentially available land, the applicants need to prove that the resource is not available or viable to utilise. That has not been adequately done and therefore consideration cannot be concluded on whether any potential development should first involve sand and gravel extraction on the site to best utilise this resource for both use within the development and as a wider resource. To not first prove this leads to a risk of sterilising a resources which would instead lead to non-development sites instead being used for extraction beyond the period of the current and emerging Suffolk Minerals and Waste Local Plan.

Flooding and Drainage

- 6.17. A detailed response has been received from the Lead Local Flooding Authority objecting to the proposal due to a lack of detail and supporting information to demonstrate how surface water will be managed in a sustainable manner. Again the response highlights a lack of joined up thinking in forming a masterplan and the lack of any pre-application engagement with the Lead Local Flooding Authority is a misguided approach in designing such a major housing site. The submission also sets out how the site will be covered for services and utilities. This has highlighted that the site is dependent upon a substantial length of new sewer connection which appears to involve over 1 mile of new sewer across third party land. The deliverability of such a connection has been queried with the applicants.

Landscape and Heritage

- 6.18. The 142.1 hectare site is not located within a Special Landscape Area or the Area of Outstanding Natural Beauty, however it is very much an area of rural agricultural landscape and not evidently urban in appearance or in its boundaries to the west. A development of this scale will inevitably have major adverse impact and effects on landscape character in terms of the loss of farmland which has been a key characteristic of the locality for many decades. It will also have significant visual impact on some nearby residential properties, and for users of the PROW that crosses the site. Against these recognised harms will come new tree and shrub planting that should increase the nett overall tree cover on site, and which in combination with domestic gardens and other areas of green open space are likely to increase onsite biodiversity. Unusually for a site of such scale the heritage and archaeological effects of the proposed development are low and capable of mitigation.

7. CONCLUSION

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. The proposed development was very clearly contrary to the current and emerging development plans. There were no material considerations to indicate that a decision should be other than in accordance with the development plan.
- 7.2. Based on its policy position and wider shortfalls of the submission, it was not functionally or lawfully appropriate for officers to provide support for this development. Even if it was possible then it is very clear that the examination of the Local Plan would be prejudiced through a ‘prematurity position’ established by the proposal.
- 7.3. The Council is in a strong position to resist unplanned development, its policies can be relied upon to support plan-led growth and it is clear that an opportunity to pursue unplanned sites set against a lack of a five year housing land supply is not the case in East Suffolk.
- 7.4. Following the withdrawal of this application, the applicants have a 1 year period from the date of submission to make a new submission (of the same description and site area) without having to pay another planning application fee. If they choose to take advantage of

that opportunity they have been strongly encouraged to undertake public and consultee engagement and involve the Local Planning Authority in a pre-application process.

- 7.5. This summary report should be read as an update on the outcomes of the withdrawn application. It is not an exhaustive report of considerations and effects and does not prejudice conclusions which may be reached after consideration of any future submission.

8. RECOMMENDATION

- 8.1. That the contents of the report, updating the Strategic Planning Committee on this major application, be noted and endorsed.

BACKGROUND INFORMATION: See application ref: DC/19/1988/OUT
at www.eastsuffolk.gov.uk/public-access