



Committee Report

Application no DC/20/1002/ARM

Location

Land At Candlet Road
Felixstowe IP11 9QZ

Expiry date 10 June 2020 (Extension of time to 31 January 2021)

Application type Approval of Reserved Matters

Applicant Persimmon Homes Suffolk

Parish Felixstowe

Proposal Approval of Reserved Matters and Discharge of Condition 18 relating to Outline Planning Consent (APP/J3530/W/15/3138710 - DC/15/1128/OUT) - Phase 1 - Residential (255 Dwellings, open space and supporting services and infrastructure), land off Candlet Road, Felixstowe. IP11 9QZ

Case Officer Phil Perkin
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1. Summary

- 1.1 The application seeks approval of reserved matters (covering details of: siting/layout/design and appearance (including materials) of buildings and means of access from an existing/proposed public highway; landscaping (hard and soft), layout of sewers and surface water drains; and enclosure/boundary treatment) pursuant to the Phase 1 of the Outline Consent DC/15/1128/OUT, consisting of the development of 255 dwellings, open space, landscaping and associated services and infrastructure (estate drainage/roads/paths/pumping stations etc.) on, 16.90 hectares of land at Candlet Road, Felixstowe.
- 1.2 The outline consent was granted by the Secretary of State for Communities and Local Government on 31 August 2017 (APP/J3530/W/15/3138710). See Appendix A
- 1.3 The matters under consideration relate to the detailed design of the development in terms of siting/layout/design and appearance (including materials) of buildings and means of

access from an existing/proposed public highway; landscaping (hard and soft), layout of sewers and surface water drains; and enclosure/boundary treatment.

- 1.4 The application does not include details of the Commercial Units; Care Home and Independent Living Units also permitted by the outline consent which will be dealt with as separate Reserved Matters Application(s)/phase(s), as will the balance of residential units.
- 1.5 Since the grant of outline planning permission, and during the process of considering this application, a new Local Plan covering the former Suffolk Coastal Area of East Suffolk Council has been adopted which includes this site in the North Felixstowe Garden Neighbourhood within Policy SCLP12.3.
- 1.6 This application referred to the Planning Committee at the discretion of the Head of Planning and Coastal Management under the terms of the Scheme of Delegation due to the level of public interest and significance of the scheme.
- 1.7 The principle of residential development on the site is accepted and the proposal is in accordance with policies in the Local Plan. There are no technical barriers to development and whilst noting the local concerns, the benefits of the scheme outweigh any harm.
- 1.8 Officers are seeking authority to approve the application with conditions, subject to the Suffolk RAMS contribution being received.

2. Case for Development

- 2.1 Outline planning permission for up to 560 dwellings was granted in 2017 through an appeal which was eventually allowed by the Secretary of State. This application for Reserved Matters approval is for Phase 1 of the outline consent, comprising 255 dwellings (including 85 affordable dwellings). The site also now forms part of the North Felixstowe Garden Neighbourhood under Policy SCLP12.3 of the East Suffolk Council Suffolk Coastal Local Plan (September 2020) which allocates approximately 143ha of land for a comprehensive leisure led development and employment land alongside residential development for up to 2000 dwellings (including the 560 with outline planning permission). The principle of residential development on the site is therefore established.
- 2.2 Officers have worked closely with the applicant to ensure a satisfactory layout and consider that the design of the proposal is acceptable and accords with the illustrative masterplan that was approved as part of the outline consent. The proposal provides a legible layout around key open spaces that are functional and well overlooked. The proposal will offer good pedestrian and cycle connectivity within the site to the wider North Felixstowe Garden Neighbourhood when this comes forward and to the existing public rights of way network. The design and appearance of the dwellings are also considered acceptable.
- 2.3 In addition to the significant benefit of 85 affordable dwellings the proposal will deliver a mix of house types, sizes and designs as well as open space and landscaping providing a high-quality environment.
- 2.4 There will be economic benefits in the short to medium term through the creation of jobs in the construction industry and in the longer-term benefits to the services and facilities in Walton and Felixstowe through increase visitor spend in the local economy.

3. Site description

- 3.1 The application site has an area of 16.90ha and is located to the north of Candlet Road (A154) and to the east of Gulpher Road. Adjacent to part of the western boundary is a dwelling, Cowpasture Cottage and next to this another dwelling, Cowpasture Farm, both accessed from Gulpher Road. With the exception of these two properties the closest properties to the site are those south of Candlet Road and the semi-detached dwellings 1 & 2 and 3 & 4 Hill House Cottages opposite the northern boundary and Hill House Farm 300m to the north of the site.
- 3.2 The site forms part of a larger site that has outline consent for up to 560 dwellings granted in 2017. This application is for Phase 1 of the development whilst Phase 2 for the remainder of the site will be subject to a separate reserved matters application in due course.
- 3.3 The site is of irregular shape and is slightly undulating with its highest point in the centre. It is predominantly used for pasture and stabling horses with equestrian buildings located within the site to the east of Cowpasture Cottage. Much of the site is divided into small fields by fences and electrified tapes. A small stable and business units at Abbey Farm are sited along the southern boundary of the site, immediately due west of the existing allotments.
- 3.4 To the west, north and east is agricultural land, the land to the east beyond Phase 2, being separated by Grove Wood to which there is public access. Beyond the woodland is the The Grove recreational area. The southern boundary of the site is formed by Candlet Road itself and the allotments. There are lay-bys either side of Candlet Road. To the south east of the site, and fronting Candlet Road, is the Grove Medical Centre.
- 3.5 There is a public footpath (FP24) that runs from Candlet Road into the site adjacent to the western boundary of the allotments. The footpath then turns to the east leading to Grove Wood. On the opposite side of Candlet Road the footpath leads down to High Road. Candlet Road (A154) is a busy main road that is one of the main routes into Felixstowe from the A14.
- 3.6 The site does not benefit from any local or national landscape designation. The boundary of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) lies about 300m north of the site. The Deben Estuary Special Protection Area and Site of Special Scientific Interest is approximately 2.4km away. From the site there are views out towards the AONB.

4. Proposal

- 4.1 Outline planning permission (Ref. DC/15/1128/OUT) for the development of up to 560 dwellings, including a Local Community Centre, a 60 Bedroom extra Care Home and 50 Assisted Living Units, two small Business Units and open space provision with associated Infrastructure was granted in August 2017. The outline consent is also subject to a legal agreement covering issues including affordable housing, open space and obligations to Suffolk County Council.

- 4.2 This application seeks Approval of Reserved Matters for Phase 1 of the outline consent comprising 255 dwellings including 85 units of affordable housing (how many units). The following reserved matters are being considered in this application:
- siting,
 - layout,
 - design and appearance (including materials) of buildings,
 - means of access to buildings and
 - landscaping.
- 4.3 The application initially sought approval for 262 dwellings. However, this has been revised to 255 in order to incorporate more sustainable urban drainage within the development.
- 4.4 This application does not include details of the Commercial Units; Care Home and Independent Living Units permitted by the outline consent, which will be dealt with as separate Reserved Matters Application(s)/phase(s), as will the balance of residential units. The application does not propose the primary school or community centre proposals included in the outline consent. However, a requirement of the unilateral undertaking Section 106 agreement is to confirm and agree with the County Council the location of a possible primary school site prior to the submission of a reserved matters application. That location is therefore detailed on the plan to the satisfaction of the County Council, allowing that site to be utilised in the future. The longer-term plans for primary school education for the wider North Felixstowe Garden Neighbourhood may change to account for the need for a larger school site so this smaller option is secured at least as an option. Similarly, the reserved matters layout plan allows space for a community centre but the outline consent did not provide a mechanism for its delivery.
- 4.5 This application proposes a range of property types from one bedroomed flats to five bedroom detached houses. The majority of properties are two or two and a half storeys in height with a small number of single storey houses and a small block of apartments three storeys in height. The design approach is properties of traditional and contemporary design and character using predominantly red and buff bricks with render and cladding and red and grey pantiles . The development has a density of 38 dwellings per hectare. The table below shows the housing mix for the market and affordable houses

Table 1

No. Beds	Market Housing	Affordable Housing	Total Mix
1	0	28	13%
2	41	33	27%
3	69	20	35%
4	32	4	(4+) 25%
5	28	0	
Total	170	85	

- 4.6 Two main areas of open space are proposed within Phase 1. Pedestrian and cycle links are created through and around the site to connect to adjacent land to the east and west and services and facilities in the area.
- 4.7 This application also seeks to discharge condition 18 of the outline planning permission regarding the surface water drainage strategy for the whole site. Three drainage basins are

proposed within the application site adjacent to the north west, north east and eastern boundaries of the site.

5. Consultations/comments

5.1 Eight letters of objection have been received raising the following planning matters:

- impact on wildlife,
- impact on the future for horse riding in the area,
- existing doctors and dentists surgeries are at capacity,
- the roads are at capacity,
- the access onto Candlet Road is inadequate,
- loss of agricultural land,
- the sewerage system is antiquated,
- Felixstowe Academy won't be able to cope with more students,
- the town will continue to lose its charm,
- the application should only be considered in the context of the masterplan for the Felixstowe Garden Neighbourhood,
- unsuitable access to Grove Medical Centre,
- the site is a place of natural beauty,
- loss of woodland.
- removal of tree/shrub belt along Candlet Road south of the allotments,
- what is proposed in respect of laybys uses for allotment holders,
- no site boundary along the western boundary of the allotments.

Consultees

Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 March 2020	9 April 2020
<p>"The Town Council submits the following comments and recommendations in response to this application:</p> <p>1. Site Layout</p> <p>In terms of the site layout, there is a lack of clear measurements and detail on the distances between individual houses, the length of gardens and the sense of space provided across the development.</p> <p>2. Boundary treatment</p> <p>Boundary plans should seek to retain existing hedgerows and vegetation wherever possible, and clarification is sought as to the proposed boundary treatment to allotment site. See also comments under public Open Space below.</p>		

3. Drainage and Sewerage

It is critical that the drainage arrangements are robust enough to mitigate the impact of water being displaced from this development. The site is known to have several watercourses, which are regularly overloaded, as has been borne out by recent local experience. It is therefore imperative that the development is able to manage its own water runoff. The appendices referred to in the drainage strategy document are missing. Additionally, the strategy refers to the need for further assessment which does not appear to have been undertaken and moreover is not an appropriate approach as this is required to be detailed and understood prior to approval of the application.

We note that para 3.17 of the drainage strategy proposes discharging partly into existing watercourses. However, the landscaping drawings show that the watercourses are to be covered over and seeded with wildflower. This documented contradiction between the drainage strategy and landscaping drawing is unacceptable.

The watercourses are an essential element of the local water management system and should be retained, enhanced and properly maintained.

With Appendix I of the drainage strategy missing, we are unable to understand the maintenance requirements of the system being proposed. Furthermore, the liability for its ongoing maintenance needs to be agreed.

The foul-drainage capacity for this area of Felixstowe has been shown, over many years, to be wholly inadequate. This development, together with others, will feed back into the existing system. Therefore, wider discussions should take place with relevant stakeholders to ensure that a fully integrated and strategic approach to provision of sufficient capacity in the long term can be achieved.

In accordance with The Town Council's environmental aspirations, the developer should explore the potential for surface water runoff to be collected and made available to the adjacent allotments which would help reduce the use of fresh water.

4. Renewable Energy

Felixstowe Town Council have declared a Climate Emergency; as East Suffolk Council and many other authorities have also done. It is therefore important to consider all development proposals in this context.

The applicant's Design and Access Statement appropriately refers to Policy DM21 (f) which states that 'The District Council will support and strongly encourage the conservation of energy and the use of alternative and renewable sources of energy in the design and layout of proposals for new buildings and conversion of existing buildings, provided it would not seriously detract from the character of the area.'

It is therefore inappropriate that the application is silent on the opportunity to build in well-established technologies for alternative and environmentally friendly energy sources, notably ground source heat pumps. The Town Council notes that locally, organisations such as Flagship Housing have introduced such provision in their own estates, even retrofitting where not originally installed, with a claimed 66% reduction in household energy bills and hence energy usage.

5. Highways Issues

We support elements of the holding objection submitted by Suffolk Highways. However, we do not find ourselves in agreement with the following comments in their consultation response:

Para 1 and 2: We believe that the proposed vehicular entrance to the school site should be moved southwards, just to the north of the pond, with provision considered within the school site for parent parking/drop off, to avoid congestion to the northern part of the site and deter people from using Gulpher Road as a school drop of point.

Ref. Para 3: We agree that footpath 24 should be upgraded to provide a metalled surface suitable for pedestrians, linking to the central part of The Grove. However the desired interconnectivity for cyclists should be appropriately routed with a view to establishing links to the wider 'Felixstowe Garden Neighbourhood' concept to the north of the Grove so as to avoid encouraging intensive use of the Grove Woodland by cycles and horses, for which it is not an appropriate location .

Ref. Para 4, 5 and 6: We believe that the developer's proposals are similar to that of other similar developments over recent decades, notably Faulkner's Way Trimley and we do not believe the issues raised by Highways are evident on those sites.

We ask that the developer explore the possibility of an access point into allotment site, which the Council owns and would be pleased to work with them to achieve.

Further to these issues, we note that the application does not refer to the junction arrangements with A154 Candlet Road and associated off-site works. However, condition No. 29 of the Outline planning consent prescribes that this is to be provided upon occupation of no more than 99 dwellings in accordance with previously approved details. The Council has highlighted a number of issues with the approved highways scheme with the applicant, which are supported by the Felixstowe Society of Allotment and Leisure Gardeners (FSALG) and which must be considered prior to discharge of this condition.

Specifically, if built as currently drawn, it will not be possible to retain the mature trees and green corridor along the eastbound side of Candlet Road from the junction of the development to the Grove Surgery whilst also providing the shared use footpath and cycleway. Additionally, construction would necessitate a visually intrusive retaining wall with a fence along the allotment boundary which is some 2 metres higher than the road. This would fundamentally and unnecessarily change this green, tree lined approach. The Council believes that this can be mitigated by reviewing the position of the layby to the eastbound side and/or utilising some of the width of the vegetation, mostly scrub, to the westbound side. We therefore ask that serious consideration is given to this issue as soon as appropriate.

6. Public Open Space

We have great concern that the landscape drawings show the complete elimination of the existing watercourse to the north west and north of the site, which are to be covered over and seeded. We believe this is unacceptable both from a drainage perspective, as referred to above, and in terms of the loss of the public amenity and ecological assets which they currently represent, and which should be enhanced as part of the wider Green Spaces concept.

Page 52(50) of the D & A statement correctly records the requirement in the S106 agreement for, inter alia, 'equipped play areas'. However, none are proposed in this application, as stated e.g. at para. 3,3: " Public Open Space ... comprising of 0 Acres of play areas". Accordingly, equipped play areas should be provided.

7. Affordable Housing

We commend the exemplary arrangements in terms of the level of provision and integration of affordable housing, balanced throughout the site which we understand will be 'tenure-blind'.

Finally, we would ask that a condition be made that Phase 1 of the development is completed before Phase 2 begins.

The Council therefore recommends REFUSAL of the application unless the issues above can be satisfactorily resolved. The Council therefore recommends REFUSAL of the application unless the issues above can be satisfactorily resolved."

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council- Highways Department	13 March 2020	1 April 2020
Summary of comments: Holding objection as more details of the pedestrian and cycle routes and roads are required.		

Consultee	Date consulted	Date reply received
Natural England	13 March 2020	30 March 2020
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Environment Agency	13 March 2020	14 April 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Natural England	16 November 2020	23 November 2020
Summary of comments: No comment.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council- Public Rights Of Way	13 March 2020	23 March 2020
Summary of comments: Comments regarding FP24.		

Consultee	Date consulted	Date reply received
Head of Environmental Services	13 March 2020	16 March 2020
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Head of Housing	13 March 2020	22 May 2020
Summary of comments: General comments regarding housing need in Felixstowe.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	13 March 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Head of Environmental Services	13 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	13 March 2020	20 March 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	13 March 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	13 March 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
The Ramblers Association	13 March 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
The Felixstowe Society	13 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	13 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	2 April 2020	9 April 2020
Summary of comments: Holding objection as further information of the drainage strategy is required.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	15 April 2020	20 April 2020
Summary of comments: Suffolk County Council is content to accept the proposed location of the primary school.		

Consultee	Date consulted	Date reply received
Police Design out Crime Officer	17 April 2020	20 April 2020
Summary of comments: Comments in respect of Secure by Design (SBD).		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	26 October 2020	19 August 2020
Summary of comments: Fire hydrants requested.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
Head of Environmental Services	24 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	26 October 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Environment Agency	26 October 2020	17 November 2020
Summary of comments: No comment		

Consultee	Date consulted	Date reply received
Head of Economic Development	26 October 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Natural England	26 October 2020	3 November 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Head of Environmental Services	26 October 2020	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Felixstowe Town Council	26 October 2020	18 November 2020

“We strongly recommend REFUSAL of this application for the reasons outlined below.

Crucially, the developer asserts that many of these issues are to be considered following planning approval. We believe that this is unrealistic and for the avoidance of doubt should be resolved as part of the planning process, prior to determination of the application.

1. Boundary Treatment

Boundary plans should seek to retain existing hedgerows and vegetation wherever possible. We understand that the existing hedgerow to the allotments is to be retained, with some facing up work to the development side, and ask that the preservation of existing vegetation be appropriately conditioned prior to determination of this application.

We also seek an improved buffer between the development site and the Grove woodland.

2. Drainage and Sewerage

It is critical that the drainage arrangements are robust enough to mitigate the impact of water being displaced from this development. The site is known to have several watercourses, which are regularly overloaded, as has been borne out by recent local experience. It is therefore imperative that the development can manage its own water runoff.

We were greatly concerned that the landscape drawings show the complete elimination of the existing watercourse to the west which are to be covered over and seeded. We believe this is unacceptable both from a drainage perspective, as referred to above, and in terms of the loss of the public amenity and ecological assets which they currently represent, and which should be enhanced as part of the wider Green Spaces concept.

It is critical that the Planning Authority ensure that established watercourses should be recognised, not grassed over and retained as an important amenity. It is essential that condition 19 (iv) (v) and (viii) of the planning appeal decision is adhered to in this regard. Additionally, a full hydrological analysis does not appear to have been undertaken as per condition 19 (xi).

We are greatly concerned by the proposal for foul water disposal. This is particularly the case in light of recent flooding events at Walton, in particular at the corner of Gulpher Road, Church Lane and Treetops. In that context we note that the proposed connection point for the pumped rising main is at a manhole between that junction and the bridge. Given that the Anglian Water report recognises capacity issues at this area. We therefore request that the Planning Authority review the scheme to ensure that it is capable of serving the site adequately whilst not exacerbating serious known problems. The District Council should take further advice to ensure that the draft proposals take all local issues in to account.

In accordance with The Town Council's environmental aspirations, the developer should explore the potential for surface water runoff to be collected and made available to the adjacent allotments which would help reduce the use of fresh water.

3. Renewable Energy

Felixstowe Town Council has declared a Climate Emergency; as East Suffolk Council and many other authorities have also done. It is therefore important to consider all development proposals in this context.

The applicant's Design and Access Statement appropriately refers to Policy DM21(f), now superseded by SCLP 9.2 (Sustainable Construction), which states that 'The District Council will support and strongly encourage the conservation of energy and the use of alternative and renewable sources of energy in the design and layout of proposals for new buildings and conversion of existing buildings, provided it would not seriously detract from the character of the area.'

We understand that condition 13 of the outline permission requires a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development to be submitted to and agreed, in writing, with the Local Planning Authority.

It is therefore inappropriate that the application is silent on the opportunity to build in well-established technologies for alternative and environmentally friendly energy sources, notably ground source heat pumps. The Town Council notes that, locally, other organisations such as Flagship Housing have introduced such provision in their own estates, even retrofitting where not originally installed, with a claimed 66% reduction in household energy bills and hence energy usage.

4. Highways Issues

We believe that the proposed vehicular entrance to the school site should be moved southwards, just to the north of the pond, with provision considered within the school site for parent parking/drop off, to avoid congestion to the northern part of the site and deter people from using Gulpher Road as a school drop of point.

We are pleased to note that Footpath 24 is proposed to be upgraded to a surfaced 3m cycleway providing future connectivity to the east. Interconnectivity for walkers and cyclists should be appropriately provided to establish links to the wider 'Felixstowe Garden Neighbourhood' concept and beyond. However, local stakeholders should be consulted on the opportunity to ensure that the Grove and Abbey Grove woodlands are not detrimentally impacted by intensive use and the opportunity to mitigate this through enhancing sustainable access routes should be explored.

The previously proposed parking spaces for the allotments to replace those lost with the proposed closure of the layby appear to have now been removed. These should be replaced or relocated.

We ask that the developer provides an appropriate and secure access point into allotment site, which the Town Council owns and would be pleased to work with them to achieve.

5. Public Open Space

Indicative plans appear to show a provision of just six items of play equipment on one of the two areas of public open space, which is wholly inadequate. The S106 agreement should allow for significant opportunities for play in both areas of open space.

6. Affordable Housing

We commended the developer's exemplary arrangements in terms of the level of provision and integration of affordable housing, balanced throughout the site which we understood will be 'tenure-blind'. However, having recognised these efforts we are therefore disappointed to note that this most recent application proposes the loss of two shared-ownership dwellings, reducing the total number of affordable homes from 86 to 84. To reduce the number of affordable homes on this site is unacceptable and any reduction in the number of dwelling proposed should not be at the cost of affordable homes.

7. House Design

Committee remains disappointed by the uniformity of design which is not in keeping with the local area. The Planning Authority should work with the developer to ensure a more appropriate, less generic, higher quality design reflecting the local vernacular in accordance with planning policy.

Finally, if approved, we would ask that a condition be made that Phase 1 of the development is completed before Phase 2 begins.

The Council therefore recommends REFUSAL of the application unless the issues above can be satisfactorily resolved.

Committee is requested to approve the response to the application as prepared under delegated authority at the previous meeting."

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	26 October 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Head of Housing	26 October 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Police – Design out Crime Officer	26 October 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	26 October 2020	27 October 2020
Summary of comments: Previous comments apply.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	26 October 2020	29 October 2020
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	26 October 2020	6 November 2020
Summary of comments: Recommend a holding objection/refusal to discharge conditions.		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	26 October 2020	4 November 2020
<p>Summary of comments:</p> <p>The latest plans are acceptable to the Highway Authority.</p> <p>The highway related planning conditions on the outline planning permission, cover the necessary highway related matters. Therefore, no further planning conditions are requested.</p>		

Consultee	Date consulted	Date reply received
Suffolk County Council – Public Rights Of Way	26 October 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	26 October 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 October 2020	20 November 2020
<p>Summary of comments:</p> <p>The Preliminary Ecological Appraisal should be updated and the stream protected from damage during development. A Landscape and Ecological Management Plan should be produced, to detail how the habitats and open spaces on site are to be appropriately managed for biodiversity.</p>		

Consultee	Date consulted	Date reply received
The Felixstowe Society	26 October 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
The Ramblers Association (SCDC)	26 October 2020	No response
No response received		

Consultee	Date consulted	Date reply received
Anglian Water	19 August 2020	21 August 2020
Summary of comments: No comment		

Consultee	Date consulted	Date reply received
Environment Agency	19 August 2020	19 August 2020
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Head of Economic Development	19 August 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Natural England	19 August 2020	24 August 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Head of Environmental Services	19 August 2020	11 November 2020
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Felixstowe Town Council	19 August 2020	10 September 2020
<p>“The Town Council submits the following comments in relation to this latest application:</p> <p>1. Boundary treatment</p>		

Boundary plans should seek to retain existing hedgerows and vegetation wherever possible, and clarification is sought as to the proposed boundary treatment to allotment site. See also comments under Public Open Space below.

2. Drainage and Sewerage

It is critical that the drainage arrangements are robust enough to mitigate the impact of water being displaced from this development. The site is known to have several watercourses, which are regularly overloaded, as has been borne out by recent local experience. It is therefore imperative that the development can manage its own water runoff. Further assessment does not appear to have been undertaken and moreover it is not an appropriate approach as this is required to be detailed and understood prior to approval of the application.

We note that it is proposed to discharge partly into existing watercourses. However, the landscaping drawings show that the watercourses are to be covered over and seeded with wildflower. This documented contradiction between the drainage strategy and landscaping drawing is unacceptable.

The watercourses are an essential element of the local water management system and should be retained, enhanced and properly maintained.

Further assessment does not appear to have been undertaken and moreover it is not an appropriate approach as this is required to be detailed and understood prior to approval of the application.

We note that it is proposed to discharge partly into existing watercourses.

The foul-drainage capacity for this area of Felixstowe has been shown, over many years, to be wholly inadequate. This development, together with others, will feed back into the existing system. Therefore, wider discussions should take place with relevant stakeholders to ensure that a fully integrated and strategic approach to provision of sufficient capacity in the long term can be achieved.

In accordance with The Town Council's environmental aspirations, the developer should explore the potential for surface water runoff to be collected and made available to the adjacent allotments which would help reduce the use of fresh water.

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It is therefore inappropriate that the application is silent on the opportunity to build in well-established technologies for alternative and environmentally friendly energy sources, notably

ground source heat pumps. The Town Council notes that locally, organisations such as Flagship Housing have introduced such provision in their own estates, even retrofitting where not originally installed, with a claimed 66% reduction in household energy bills and hence energy usage.

4. Highways Issues

However, we do not find ourselves in agreement with the following comments in their consultation response:

We believe that the proposed vehicular entrance to the school site should be moved southwards, just to the north of the pond, with provision considered within the school site for parent parking/drop off, to avoid congestion to the northern part of the site and deter people from using Gulpher Road as a school drop of point.

We agree that footpath 24 should be upgraded to provide a metalled surface suitable for pedestrians, linking to the central part of The Grove. However the desired interconnectivity for cyclists should be appropriately routed with a view to establishing links to the wider 'Felixstowe Garden Neighbourhood' concept to the north of the Grove so as to avoid encouraging intensive use of the Grove Woodland by cycles and horses, for which it is not an appropriate location .

We believe that the developer's proposals are similar to that of other similar developments over recent decades, notably Faulkner's Way Trimley and we do not believe the issues raised by Highways are evident on those sites.

We ask that the developer explore the possibility of an access point into allotment site, which the Council owns and would be pleased to work with them to achieve.

5. Public Open Space

We have great concern that the landscape drawings show the complete elimination of the existing watercourse to the north west and north of the site, which are to be covered over and seeded. We believe this is unacceptable both from a drainage perspective, as referred to above, and in terms of the loss of the public amenity and ecological assets which they currently represent, and which should be enhanced as part of the wider Green Spaces concept.

We note that equipped play areas are not provided in accordance with the s106 agreement. However, none are proposed in this application, as stated e.g. at para. 3,3: " Public Open Space ... comprising of 0 Acres of play areas". Accordingly, equipped play areas should be provided.

6. Affordable Housing

We commend the exemplary arrangements in terms of the level of provision and integration of affordable housing, balanced throughout the site which we understand will be 'tenure-blind'.

7. House Design

Committee was disappointed by the uniformity of design which is not in keeping with the local area. The developer should be encouraged to propose a more sympathetic design portfolio, reflecting the local vernacular in accordance with DM21 (a) which states that proposals should

relate well to the scale and character of their surroundings particularly in terms of their siting, height, massing and form.

Finally, we would ask that a condition be made that Phase 1 of the development is completed before Phase 2 begins.

The Council therefore recommends REFUSAL of the application unless the issues above can be satisfactorily resolved”

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	19 August 2020	19 August 2020
Summary of comments: Fire hydrants requested.		

Consultee	Date consulted	Date reply received
Head of Housing	19 August 2020	24 August 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Police - Design out Crime Officer	19 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	19 August 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	19 August 2020	21 August 2020
Summary of comments: There is outstanding archaeological work.		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	19 August 2020	19 August 2020
Summary of comments: Holding objection maintained.		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	19 August 2020	4 September 2020
Summary of comments: The revised layout has addressed the main concerns of the Highway Authority regarding access from Gulpher Road, however there are still several outstanding matters from our previous response dated 01/04/20 that need to be addressed or agreed.		

Consultee	Date consulted	Date reply received
Suffolk County Council – Public Rights Of Way	19 August 2020	25 August 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	19 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	19 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
The Felixstowe Society	19 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
The Ramblers Association (SCDC)	19 August 2020	No response
Summary of comments: No response.		

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major Application	19 March 2020	9 April 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Major Application May Affect Archaeological Site Date posted: 17 March 2020 Expiry date: 7 April 2020
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7. Planning policy

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 National Planning Policy Framework (2019) NPPF
- 7.3 National Planning Practice Guidance NPPG
- 7.4 The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:
- SCLP3.1 - Strategy for Growth
 - SCLP5.8 - Housing Mix
 - SCLP5.10 - Affordable Housing on Residential Developments
 - SCLP7.1 - Sustainable Transport
 - SCLP7.2 - Parking Proposals and Standards
 - SCLP8.2 - Open Space
 - SCLP9.5 - Flood Risk
 - SCLP9.6 - Sustainable Drainage Systems
 - SCLP9.7 - Holistic Water Management
 - SCLP10.1 - Biodiversity and Geodiversity

- SCLP10.4 - Landscape Character
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.3 - Historic Environment
- SCLP11.7 - Archaeology
- SCLP12.3 - North Felixstowe Garden Neighbourhood

8. Planning considerations

Planning History

- 8.1 Outline planning permission was granted by the Secretary of State for Communities and Local Government on 31 August 2017 (Ref. PP/J3530/W/15/3138710 - DC/15/1128/OUT) for the development of:

"Application for Outline Planning Permission for up to 560 dwellings, including a Local Community Centre, a 60 Bedroom extra Care Home and 50 assisted Living Units, two small Business Units and open space provision with associated Infrastructure".

- 8.2 Condition 3 of the outline planning permission states that the development shall be carried out generally in accordance with the Indicative Masterplan (Drawing No YOR.2258_010M) unless otherwise agreed in writing by the Local Planning Authority.
- 8.3 Subsequent to the grant of outline planning permission the site has been included in the allocation for the North Felixstowe Garden Neighbourhood covered by Policy SCLP12.3 of the East Suffolk Council Suffolk Coastal Local Plan adopted on 23 September 2020.
- 8.4 Policy SCLP12.3 allocates approximately 143ha of land for a comprehensive leisure led development comprising leisure, green infrastructure, community facilities and employment land alongside residential development for up to 2000 dwellings (including the 560 with outline planning permission) and retirement dwellings comprising care home extra care/sheltered dwellings.

Principle of Development

- 8.5 The principle of development of this site was established by the outline consent allowed on appeal and since that through the allocation of the site under Policy SCLP12.3 as a part of the North Felixstowe Garden Neighbourhood. Although Policy SCLP12.3 was adopted after the grant of outline consent, the approved Indicative Masterplan contains many of the principles for the North Felixstowe Garden Neighbourhood found within the Policy.

Access and Highway Considerations

- 8.6 The main access into the site will be from Candlet Road and was approved as part of the outline application (including pedestrian crossing of Candlet Road). As the main vehicular access has been approved, the access aspect of this application relates to the provision of infrastructure to encourage people to travel using non-car modes, as required by Policy SCLP7.1 - "Sustainable Transport" and the NPPF objectives, and the suitability of the road layout to serve the development.

- 8.7 The Highway Authority initially raised a holding objection on the grounds that a new footpath is required along Gulpher Road and amendments were required to the design of the access roads and visibility splays. All of the issues raised by the Highway Authority have been addressed to their satisfaction in the amended layout plans and no objection to the application is raised.
- 8.8 As will be noted above Felixstowe Town Council has raised a number of highway related issues. In response are the following comments:
- the school site entrance has been positioned towards the north to distract people from using Gulpher Road.
 - Footpath 24 is proposed to be upgraded to surfaced 3m cycleway providing future connectivity to the east.
 - The applicant has confirmed that Pedestrian Access from the development could be made to the Allotment site.
 - Persimmon has worked closely with the LPA to secure improved cycle and pedestrian access and connectivity through the site which has been acknowledged.
 - The laybys near the allotments have been reinstated in the amended layout plan.

Pedestrian /cycle access

- 8.9 Officers have had detailed discussions with the applicant and secured a number of improvements to the layout to ensure that the development will achieve a legible and well-designed pedestrian and cycle route across the site including the upgrading of Footpath 24 to Grove Wood. Full details of the pedestrian and cycle route will need to be secured by condition and provided as part of this phase of development. Provision of this route will ensure good east-west pedestrian and cycle connectivity as a central part of the Felixstowe Garden Neighbourhood when these come forward in accordance Policy SCLP12.3. The site will play an important role in cohesion between all elements of the Garden Neighbourhood and serves an essential role for pedestrian and cycle connectivity for all extensive services and facilities which should be provided in parcels to the east and west of this site, including the new Leisure Centre. The outline consent also secured Public Right of Way improvement contribution of £64,000 to deliver footpath and bridleway improvements within The Grove and to the north east.
- 8.10 The outline application secures the provision of a footway link adjacent to Gulpher Road into the south western corner of the site. In accordance with the approved Indicative Masterplan, this footway is extended into the site within the proposed layout. The outline consent requires the footway along Gulpher Road to be completed prior to the occupation of 99 dwellings, in accordance with details that have been agreed. It is considered that a similarly worded condition would secure the completion of the footway within the site in a timely manner.
- 8.11 It is considered that the pedestrian and cycle routes within the revised layout are generally in accordance with those shown on the approved outline Indicative Masterplan of the outline consent. It is unfortunate that this proposal cannot be informed by a comprehensive masterplanning process for the whole North Felixstowe Garden Neighbourhood, as a result of the extant consent. However the proposed layout and its

connectivity are compatible with the wider masterplanning which has previously taken place and which will progress further in the near future.

Housing Mix and Affordable Housing

- 8.12 The layout would provide a mixture of single and mainly two storey properties varying in size from one and two bedroom houses and apartments to five bedroom detached houses. Across all sectors the proposed dwellings are considered to be broadly consistent with the percentages set out in Table 5.1 of the Local Plan. Policy SCLP5.8 (Housing Mix) requires there to be a focus on one and two bedroom dwellings and the evidence in the supporting text shows the need for at least 40% one and two bedroom properties. As set out in Table 1 of paragraph 4.5 of this report, the proposed housing mix will be providing 40% one and two bedroom properties which is welcomed.
- 8.13 Table 5.1 relates to the housing need mix across the former Suffolk Coastal District. Within this site three bedroom family homes form the greatest percentage of houses within the site (35%) as the applicant has explained this is where the greatest demand lies. four plus bedroom properties make up the remaining 25% of the housing mix. It is noted that Table 5.1 sets out a lower number of three bedroom dwelling (25%) and a higher number of four plus bedroom dwellings (33%) but these differences are not considered significant and future phases of development may have a different mix.
- 8.14 With regards to affordable housing Policy SCLP5.10 (Affordable Housing on Residential Developments) requires one in three units are to be affordable. The revised layout makes provision for 85 affordable dwellings, totalling 33% of the whole provision, and is thus compliant with Policy SCLP5.10. The affordable housing is not secluded to certain areas within the site but instead distributed relatively evenly across the development, which is supported by Paragraph 62a) of the NPPF in so far as it encourages social interaction. The Council's Head of Housing has confirmed that the affordable housing mix is acceptable. It is considered that the proposal will make a substantial contribution to affordable housing delivery and meeting identified needs which is a significant benefit of the scheme.
- 8.15 To contribute towards meeting the needs for housing for older people Policy SCLP5.8 requires 50% of the dwellings to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations. As this policy was not in place at the time that outline planning permission was granted it is not considered reasonable to impose a condition requiring this at this stage. Notwithstanding this the applicant has confirmed that 30% of the dwellings within Phase 1 will meet the requirements of Part M4(2) and this level of provision is welcomed.

Layout, Scale and Appearance

- 8.16 Design quality is given significant weight within the planning process which is one of the main matters for consideration in the determination of this application. Section 12 of the NPPF states that:

"the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities".

- 8.17 Policy SCLP11.1 - "Design Quality" of the local plan states that the Council will support locally distinctive and high-quality design and that permission will be granted where proposals support inclusive design environments. Building for life 12 and the National Design Guide provide additional guidance in order to achieve well designed places.
- 8.18 Since the submission of the application officers have worked closely with the applicant and discussed in detail matters of design and secured a number of improvements not only to aspects of the layout and the design of the houses, but also to the outlook from some of the units.
- 8.19 The outline Indicative Masterplan was showing one large central area of public open space. Within the proposed layout two separate areas of open space are proposed. This is considered to be a much better disposition of open space and an improvement on the approved Masterplan. It is much better to disperse open spaces throughout the layout to maximise their benefit to the layout and, more importantly, the number of residents who can live overlooking them or close by. On this basis, therefore, the submitted layout is considered an improvement on the Masterplan.
- 8.20 The areas of open space have been located so that they are integral to the development and provide good connectivity with footpaths and cycleways. They would be well overlooked from surrounding residential properties creating safe and attractive areas. They demonstrate a clear function supporting informal play areas accessible to people of all ages and abilities and are therefore considered to comply with the requirements of Policy SCLP8.2.
- 8.21 Felixstowe Town Council have commented on the open space provision and play equipment. The proposed layout includes two large areas of open space. The legal agreement requires an equipped play area to be provided within the site and for the open space to be laid out prior to the occupation of 30% of the dwellings. In accordance with Fields in Trust guidance it will be expected that play equipment within the site will cater for wide range of age groups from toddlers to teenagers. The Council's Active Communities Officer (Leisure) has advised that the open space next to the existing pond should be kept as an open space with benches/seating and the six items of equipment for each age group should be provided on the open space in the southern part of the site. The play equipment has yet to be agreed with Officers, but these details are not required to be submitted as part of this reserved matters application.
- 8.22 In addition to the play equipment the open spaces within the site and the footpath routes will ensure that there will be opportunities for both informal and formal recreation.
- 8.23 A particular concern with the original layout was the design of rear parking courts which included dwellings and the quality and outlook and space provided, which was judged to be poor. These courts have been revised to have a positively designed entrance (gate piers), shorter back garden depths in favour of increasing the area of the courtyard space,

parking spaces re-designed to avoid over-dominance within the space and green space to allow for tree/shrub planting which improves outlook.

- 8.24 The number of rear parking courtyards has decreased significantly in comparison with the originally submitted layout, which is welcomed. The inclusion of some rear parking courts is perfectly acceptable as part of a varied parking strategy which this layout provides.
- 8.25 As noted above the revised layout includes enhanced pedestrian and cycle connectivity, including provision for an adoptable footpath link along the northern edge of the community area within the site (although not part of this application) that joins it to the loop road footpath and the internal network of footpaths within the residential layout. This improvement is welcomed.
- 8.26 Within the revised layout the two areas of open space are now spatially connected along the same route that can be used by vehicles and pedestrians which is a welcome improvement. This provides for a more coherent and conventional streetscene with a corner-turning apartment block to one side and an angled terrace opposite to draw the eye along and 'deliver' it around the corner. The further inclusion of boundary walling and gate piers in this area also helps with street enclosure, provides spatial definition and demarcates clearly between public and private space.
- 8.27 A wide variety of house types, sizes and designs are proposed throughout the site which should provide for a varied and interesting street scene. A number of design revisions have been made to include more brick detailing and chimneys added to the more traditional looking house type designs and this is welcome.
- 8.28 A variety of materials are proposed comprising red brick, buff brick, cladding and render. Roofing materials comprise a mix of red and grey flat tiles and pan tiles. These are all materials that can be within Felixstowe and are considered appropriate. However, the materials have not yet been specified although these details can be conditioned. Some properties also have pitched roof dormers and others flat roof dormers that add variety. Appropriate materials are proposed for means of enclosure such as metal railings and brick walls to prominent locations with wooden knee rails to open spaces and timber fences to divide garden areas.
- 8.29 It is considered that the revised layout and appearance of the development is acceptable in accordance with Policy SCLP11.1, and the properties are of an appropriate scale for the location.
- 8.30 In response to the comments made by the Town Council regarding the design of the houses, the applicant has been involved in lengthy discussions with Officers on the design of the layout and houses to ensure that the correct design approach is adopted. The layout proposes a mix of contemporary dwellings as well as the majority of house types which follow the more traditional built form and characteristics of the local vernacular, including pitched roofs, brick and render. By providing the contrasting contemporary and traditional design approach the applicant is of the view that there will be something that appeals to all homebuyers. Following Officer comments significant amendments have been made to the layout (particularly around the Mews courtyards and the design detailing). The applicant has advised that it was highlighted at the pre-application

meeting that members were supportive of the contemporary approach which informed the design.

- 8.31 Also in response to the Town Council, the applicant has confirmed that the intention would be to largely finish Phase 1 before moving onto Phase 2. It is considered that a condition to this effect is not necessary.

Ecology

- 8.32 The Ecological Appraisal of the site undertaken at the outline planning stage confirmed that the site itself is of generally modest wildlife value, due to it mostly consisting of improved and amenity grassland. Whilst the proposed development area excludes most of the habitats of potential biodiversity interest, it does include a small watercourse which runs along the western and then northern boundaries of the site. This feature is shown on the revised layout drawings and will be retained as part of the development.
- 8.33 There were some areas at the site edges, which were considered to be of higher ecological value for bats including the boundary hedgerows, the small block and belt of woodland, the stream and ponds and woodland edge where the site borders a Grove Wood at its eastern edge.
- 8.34 The proposal retains boundary hedgerows, trees and feature where possible. In addition, the development offers the opportunity to incorporate a number of ecological enhancements within the fabric of the built development, such as the inclusion of integrated swift nesting bricks into some of the new dwellings and the use of hedgehog friendly fencing. Ecological enhancements can be secured by condition.
- 8.35 In addition, the long-term management of the existing habitats and newly created green spaces needs to be secured. Management must maximise the biodiversity value of the site and ensure that attractive open spaces for people to use are maintained. The requirement for such a plan detailing such management is secured by condition 16 of the Outline consent.
- 8.36 The Council's Ecologist has confirmed that a management plan for the site, as required by condition 16 of the outline consent, plus a condition securing ecological enhancements, is sufficient to address the comments made by Suffolk Wildlife Trust and Felixstowe Town Council.

Habitats Regulations Assessment (HRA) and the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

- 8.37 Natural England have been consulted on the application and have raised no objections and they also raised no objection to the original outline application.
- 8.38 The application site is within 13km of statutory designated sites (Special Protection Areas and Special Areas of Conservation). In order to mitigate the impact of the development on these sites the applicant has indicated that a financial contribution to the RAMS Strategy will be made. This will have to be secured prior to the determination of this application which is understood will be made through an upfront payment.

- 8.39 A Habitats Regulations Assessment (HRA) of the proposal has also been undertaken. The site incorporates a number of onsite mitigation measures including onsite public open space split across two main areas in the centre of the site. Both include proposed tree planting, and the central space includes an existing pond. The site also includes a green boundary on the northern and eastern sides which will be publicly accessible and will include footpath provision. A hoggin path will be constructed through the landscaped northern and eastern boundary areas which will connect up with other onsite footways and the public open space areas to create an onsite circular walking route of approximately 1.6km. Public footpath 24 also runs through the centre of the site and provides a connection to the public rights of way network (PRoW) to the east via The Grove woodland and public footpath 19, a connection to public footpath 18 will be provided in the north-eastern corner of the site and a connection to bridleway 27 to the north western corner of the site will also be provided. These connections provide access to a variety of different length circular walking routes away from the statutory designated sites and their improvement is secured by s106 funding under the outline consent (this contribution can be accounted for as part of the HRA mitigation)
- 8.40 Having considered these proposed avoidance and mitigation measures it can be concluded that with mitigation already secured and proposed to be secured, then the proposal will not have an adverse effect on the integrity of the European sites included within the Suffolk Coast RAMS. Natural England were consulted on the HRA and confirmed that they agreed with its conclusions.

Landscaping

- 8.41 A detailed landscaping strategy that reflects the landscaping shown on the approved masterplan has been submitted which covers the non-plot planting and therefore include all the peripheral structure planting and internal open spaces. The planting proposals include a good and diverse range of trees and shrubs, most of them native and well suited to the local landscape, but also including others that will diversify the mix and hopefully offer some resilience against future tree disease issues. Overall, the landscaping proposals are considered to provide a robust and diverse mix of planting. Details of landscape management arrangements are secured by condition 16 of the outline consent.
- 8.42 The landscaping scheme includes a substantial tree landscape buffer along the northern boundary of the site and to the Area of Outstanding Natural Beauty (AONB) beyond. To provide an effective landscaped buffer it will be important for the landscaping scheme to be established as part of this phase of the development. This can be secured by condition.
- 8.43 In response to comments made by Felixstowe Town Council, the applicant has confirmed that existing hedgerows will be retained wherever possible. The existing boundary to the allotments is to be retained, it may require some 'facing up' works to the development side. For the avoidance of doubt a condition could require the retention of existing hedges.

Sustainable Construction

- 8.44 Condition 13 of the outline consent requires a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases to be submitted prior to development commencing. Similarly condition 14 requires the submission of a scheme for the provision and implementation of rainwater harvesting.
- 8.45 There is consideration of some of these matters within the Design and Access Statement, including increased insulation levels, low energy lights, reduced water consumption through low flush toilets, flow restrictors on taps, low flow showers, low water use baths and water butts. Full details will have to be submitted to discharge conditions 13 and 14 and will ensure that sustainable construction is achieved in accordance with Policy SCLP9.2

Surface Water Drainage

- 8.46 Policy SCLP9.6 "Sustainable Drainage Systems" requires developments to use sustainable drainage systems to drain surface water. Developments of 10 dwellings or more will be required to utilise sustainable drainage systems which should:
- a) Be integrated into the landscaping scheme and green infrastructure provision of the development;
 - b) Contribute to the design quality of the scheme; and
 - c) Deliver sufficient and appropriate water quality and aquatic biodiversity improvements, wherever possible.
- 8.47 Suffolk County Council as the Lead Local Flood Authority (LLFA) initially lodged a holding objection on the grounds that more information was needed regarding the surface water drainage strategy and more space needed to be provided for on-site sustainable urban drainage (SUDS).
- 8.48 The applicant has since worked closely with officers and the LLFA to address the concerns of the LLFA and the amended layout and drainage strategy now includes two additional SUDS basins within the site resulting in the loss of 5 dwellings in the south west parcel of the site. Subject to a final review the LLFA are anticipating that the amended drainage strategy will be acceptable enabling them to recommend the strategy subject to conditions. On this basis Officers are content that the drainage strategy will be acceptable and will further provide additional amenity and biodiversity benefits within the site as required by Policy SCLP9.6. An update on the outcome of the LLFA's final review will be provided in the Update Sheet.
- 8.49 The revised drainage strategy will require the submitted landscaping scheme to be amended around the two additional basins. Whilst these details have not yet been submitted, they can be secured by condition.
- 8.50 In response to the comments made by Felixstowe Town Council regarding existing watercourses there are no proposals to alter any existing watercourses apart from a culvert near to Plot 52 so that the proposed carriageway can cross. The existing watercourses are not being planted upon; the proposed wildflower seeding is within the site itself. All existing watercourses are being retained.

- 8.51 Furthermore, modelling of the existing watercourse running through the site has been completed as per the requirement under Condition 19 of the Outline Planning Permission, the proposed discharge rate has subsequently been approved by the East Suffolk IDB. The surface water drainage strategy has been scrutinised in detail by the Lead Local Flood Authority and has confirmed that the strategy, as amended, is acceptable. Officers are satisfied that the site can be adequately drained, and that the drainage strategy is robust.
- 8.52 Additional information – as a result of detailed discussion with the LLFA, the Suds scheme has been significantly amended with the inclusion of two additional Suds ponds. This has resulted in a loss of 5 dwellings in the south west parcel. Confirmation from the LLFA that the drainage strategy is approved, and that the holding objection can be removed is awaited. Discussions have also taken place with Anglian Water in the hope that they will adopt the Suds.

Foul Water Drainage

- 8.53 In response to the Town Council's comments regarding foul drainage Anglian Water have confirmed that they have no objection to the application. The foul drainage discharge point has been identified by Anglian Water, any upgrade works as a result of this connection point will be undertaken by them. It was determined at the outline application stage that a strategy would be required to accommodate flows from the site. The strategy comprised a new manhole in Gulpher Road, off site storage and the upsizing of an existing manhole in Queen Street. Furthermore Condition 10 of the outline consent requires a foul water strategy to be submitted and agreed prior to the commencement of development. Anglian Water will be consulted on any forthcoming application to discharge Condition 10. It is not therefore necessary for these details to be submitted with these reserved matters application.

Renewable Energy

- 8.54 In response to the comments made by Felixstowe Town Council renewables do not form part of this reserved matters application. Condition 13 of the outline planning permission requires, prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development to be submitted to and agreed, in writing, with the Local Planning Authority. The development will have to be carried out in accordance with the approved details.
- 8.55 In addition, condition 14 also requires a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority prior to the commencement of development. Whilst this condition will have to be discharged at a later date the applicant has confirmed that one of the measures will be for each house to be provided with water butts.

Economic Benefits

- 8.56 In the short to medium term there will be economic benefits arising through the creation of jobs in the construction industry and supply chains. In the longer term there will be

benefits to the local economy through increased spend from the new residents supporting facilities and services in Walton and Felixstowe.

- 8.57 The proposed housing will be liable for Community Infrastructure Levy for the whole of the permitted Gross Internal Area, although the affordable housing will be subject to potential relief. The site lies within the low CIL charging zone. 15% of the CIL collected for this development would go direct to Felixstowe Town Council for spending on infrastructure or anything else that supports development, which is a benefit arising from the proposal.
- 8.58 The outline planning application S106 agreement secured contributions towards improvements to public rights of way in the vicinity of the site, education provision and bus stop infrastructure.

9. Conclusion

- 9.1 Since the application was submitted officers have worked closely with the applicant to secure a number of improvements which have addressed initial concerns that were raised in respect of some aspects of the layout of the development and design and appearance of the dwellings.
- 9.2 The applicant has also worked closely with Suffolk County Highways and Floods Authority to satisfactorily address initial holding objections.
- 9.3 Officers consider that the design of the proposal is acceptable in accordance with the NPPF and policy SCLP11.1. The proposal provides a legible layout around key open spaces that are functional and well overlooked. The proposal will offer good pedestrian and cycle connectivity within the site to the wider North Felixstowe Garden Neighbourhood when this comes forward and to the existing public rights of way network.
- 9.4 A detailed drainage strategy has been provided which addresses the concerns that the lead local flood authority had and which complies with the NPPF and Local Plan in terms of providing biodiversity and amenity benefits to the development.
- 9.5 It is considered that the road layout, parking provision and footway/cycleways are designed to an acceptable standard that will enable adoption of the scheme as confirmed by Suffolk County Council as Highways Authority.
- 9.6 Whilst the issues and concerns raised by the Town Council in their response dated 18 November 2020 above are acknowledged it is considered that the revised layout and conditions, either those below or those outstanding on the outline consent, can adequately address these concerns. The site is allocated for residential development in the Local Plan and outline planning permission has been granted on the site. This application represents the first phase of that development that will deliver 85 affordable houses which is a significant benefit of the scheme, together with securing good pedestrian connectivity across the site and to the wider North Felixstowe Garden Neighbourhood.

- 9.7 With the conditions suggested within this report and those outstanding on the outline approval, the proposal is considered to represent a sustainable form of development in accordance with the Local Plan, and an acceptable detailed scheme pursuant to the outline permission. Officers recommend that approval of the reserved matters application be granted

10. Recommendation

- 10.1 That subject to the Suffolk RAMS contribution the reserved matters application be approved subject to the following conditions:

If the Suffolk RAMS contribution is not received or secured within two months then authority to refuse the application on the grounds that the proposal does not adequately mitigate the impact of the development on designated sites.

Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with the listed plans and documents, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority:

Received 11 December 2020:-

956-P-180 Rev E - Site location plan
E3893-Felixstowe- Phase 1A Drainage Strategy-Rev 4 dated November 2019
956-P-100 Rev G - Planning Layout Sheet 1
956-P-101 Rev F - Planning Layout Sheet 2
956-P-102 Rev F - Planning layout Sheet 3
956-P-103 Rev F - Planning Layout Overview
956-P-104 Rev F - Movement and connectivity plan
956-P-110 Rev F and 111 Rev E - Character Areas
956-P-152 Rev E - Materials Schedule
956-P-116 - Mews Court Entrance
956-P-120 Rev F and 121 Rev E - Storey height layout
956-P-130 Rev F and 956-P-131 Rev E - Refuse strategy
956-P-140 Rev G and 956-P-141 Rev G - Parking Allocation
956-P-160 Rev F and 161 Rev E - Affordable housing layout
956-P-190 Rev D, 191 Rev D and 192 Rev D - Boundary treatment

956-P-019 Rev B and 020 Rev C - Cromer: Character Areas 1 and 4
956-P-021 Rev B, 022 Rev C and 023 Rev B - Hadleigh: Character Areas 2, 3 and 4
956-P-030 Rev B, 031 Rev C and 032 Rev C - Hopton: Character Areas 1, 2 and 4
956-P-033 Rev B and 034 Rev C - Longthorne: Character Areas 3 and 4
956-P-037 Rev B and 039 Rev C - Morden: Character Areas 1 and 4
956-P-041 Rev B and 042 Rev C - Newton: Character Areas 2 and 3
956-P-043 Rev E - (Newton floor plans: Character Area 4)

956-P-043.1 Rev E - (Newton elevations: Character Area 4)
956-P-044 Rev C and 046 Rev A - Oulton: Character Areas 1 and 4
956-P-047 Rev B - Ripley: Character Area 1
956-P-048 Rev B, 049 Rev B and 050 Rev B- Rufford: Character Areas 1, 2 and 4
956-P-053 Rev C and 054 Rev C - Souter: Character Areas 3 and 4
956-P-055 Rev C and 060 Rev B- Sutton: Character Areas 3 and 2
956-P-062 Rev A and 063 Rev B - Alnmouth: Character Areas 2 and 4
956-P-064 Rev A - Charnwood Corner: Character Area 2
956-P-065 Rev B and 066 Rev A- Charnwood Corner: Character Areas 3 and 4
956-P-065.1 Charnwood - Character Area 3
956-P-067 and 068 - Charnwood Danbury Corner: Character Area 2
956-P-069 - Charnwood Danbury Corner: Character Area 4
956-P-070 - Cromer: Character Area 2
956-P-071 and 073 - Danbury: Character Areas 1 and 4
956-P-074 Rev B, 075 Rev A and 076 Rev B - Greenwood: Character Areas 2, 3 and 4
956-P-077 Rev A and 078 Rev B - Kielder: Character areas 3 and 4
956-P-079 Rev A - Morden: Character area 2
956-P-080 Rev C, 081 Rev B and 082 Rev B - Piel: Character area 4, elevations and floor plans
956-P-083 Rev B - Rufford: Character area 3
956-P-084 Rev A - S103H: Character area 2
956-P-085 Rev A, 086 Rev B and 087 Rev B - Sherwood: Character areas 2, 3 and 4
956-P-088 Rev A - Souter: Character Area 2
956-P-090 Rev B - Sutton: Character Area 4
956-P-091 Rev A, 092 Rev A and 093 Rev B - Taunton: Character Areas 2, 3 and 4
956-P-094 Rev A and 095 Rev B - Whiteleaf: Character Areas 2 and 3
956-P-096 Rev A - Whiteleaf V3: Character Area 2
956-P-097 Rev A, 098 Rev A and 099 Rev B - Whiteleaf V4: Character Areas 2, 3 and 4

Plans received 19 October 2020:

956-P-204 - Double carport
956-P-061 - Substation
956-P-061.1 - Bin and cycle store
956-P-099.1 - Whiteleaf: Character Area 4

JBA 19/033-01 Rev J - Soft Landscaping
JBA 19/033-02 Rev J - Soft Landscaping
JBA 19/033-03 Rev J - Soft Landscaping
JBA 19/033-04 Rev J - Soft Landscaping
JBA 19/033-05 Rev J - Soft Landscaping
JBA 19/033-06 Rev J - Soft Landscaping
JBA 19/033-07 Rev J - Soft Landscaping
JBA 19/033-08 Rev J - Soft Landscaping
JBA 19/033-09 Rev J - Soft Landscaping
JBA 19/033-10 Rev J - Soft Landscaping
JBA 19/033-11 Rev J - Soft Landscaping
JBA 19/033-12 Rev J - Soft Landscaping
JBA 19/033-13 Rev J - Soft Landscaping
JBA 19/033-14 Rev J - Soft Landscaping

956-P-153 Rev B and 154 Rev B - Fence specification

956-P-200 - Single garage

956-P-201 - Double garage

956-P-202 - Triple garage

956-P-203 - Quadruple garage

956-P-402 - Pump station detail received 7 August 2020:

Reason: For the avoidance of doubt as to what has been considered and approved.

2. No more than ninety-nine (99) dwellings shall be occupied until the footway from Gulpher Road, as shown on drwg.no. 956-P-100 Rev G, has been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a properly planned development.

3. No more than ninety-nine (99) dwellings shall be occupied until the footpath/cycleway links and the hoggin path, as shown on drwg.nos. 956-P-100 Rev G, 956-P-101 Rev F, 956-P-102 Rev F and 956-P-104 Rev F, have both been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a properly planned development.

4. Prior to any above ground works an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

5. Prior to any works above slab level details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

6. The landscaping scheme shall be fully implemented in accordance with the details shown on drwg. nos JBA 19/033-01 Rev J - JBA 19/033-14 Rev J prior to the occupation of any dwelling.

Notwithstanding the landscape drawings hereby approved, no above ground construction shall commence until a scheme of soft landscaping for the areas around the basins (to the east of the care home site and in the north west corner of the site) has been submitted to and approved by the Local Planning Authority. That scheme of soft landscaping shall be to a scale of not less than 1:200 and include a programme for its delivery.

The approved scheme of soft landscaping works shown on the drawings listed above and on those agreed for the areas around the basins, shall thereafter be implemented in

accordance with the agreed programme. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

7. All hedges or hedgerows within the site, unless indicated as being removed on the approved drawings, shall be retained for at least five years following practical completion of the approved development, unless otherwise agreed by the Local Planning Authority; and these hedges shall be protected by the erection of secure fencing, to the satisfaction of the Local Planning Authority in accordance with the relevant British Standards (BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) for the duration of works on site.

Within the aforementioned five-year period any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the Authority's opinion, seriously damaged or otherwise defective shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented by not later than the end of the following planting season, with plants of such size and species and in such number and positions as may be agreed with the Authority. The hedge(s) shall be reinforced with further planting where necessary to the satisfaction of the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerow.

8. No development shall take place until a scheme for the installation of fire hydrants throughout the site has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings.

Reason: In the interests of fire safety.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. 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).

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@eastsoffolk.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.

CIL forms can be downloaded direct from the planning portal:

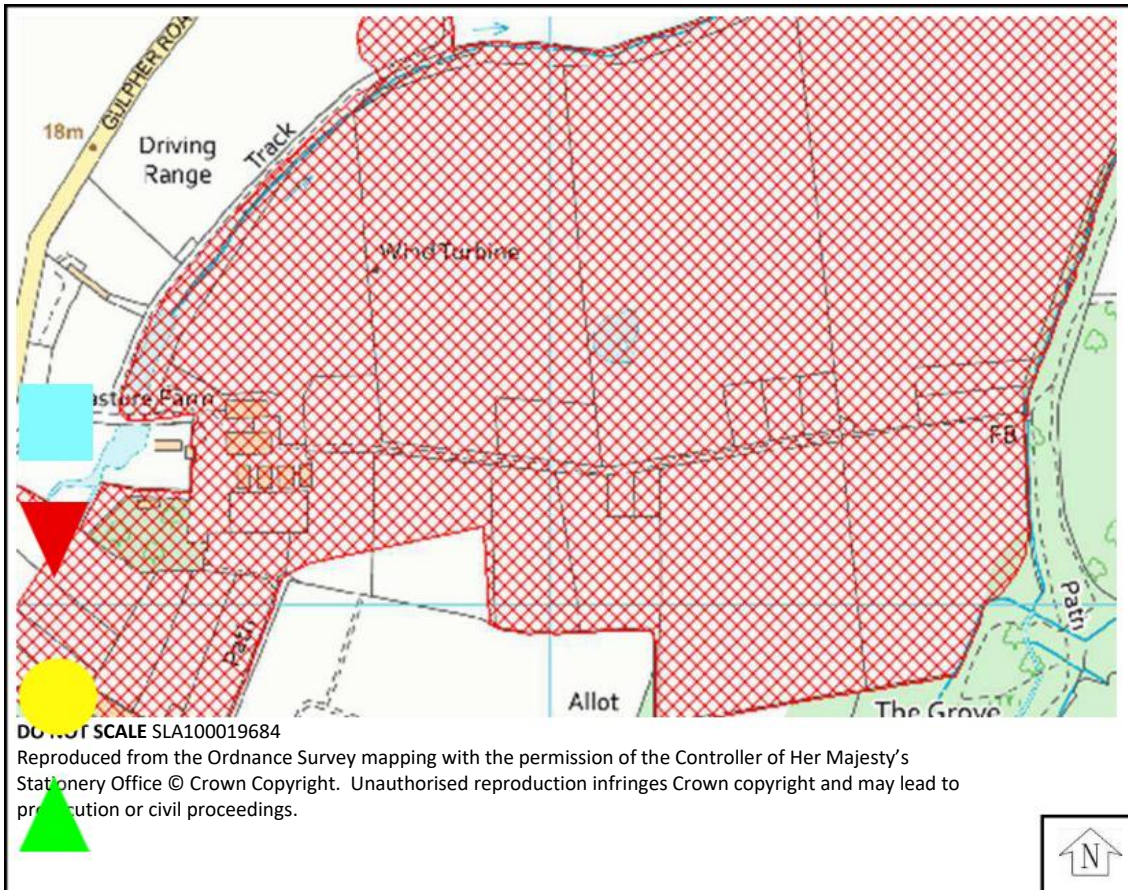
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

Background information

See application reference DC/20/1002/ARM on [Public Access](#)

Map



Appendix A

Richard Brown Richard Brown Planning Limited 18 Redwood Burnham Buckinghamshire SL1 8JN	Our ref: APP/J3530/W/15/3138710 31 August 2017
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Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY CHRISTCHURCH LAND & ESTATES (FELIXSTOWE) LTD**

LAND AT CANDLET ROAD, FELIXSTOWE, SUFFOLK APPLICATION REF:
DC/15/1128/OUT

1. I am directed by the Secretary of State to say that consideration has been given to the report of Clive Hughes BA(Hons) MA DMS MRTPI, who held a public local inquiry on 2730 September 2016 into your client's appeal against the decision of Suffolk Coastal District Council to refuse your client's application for planning permission for the erection of 560 dwellings including a local community centre, a 60 bedroom extra care home and 50 assisted living units, 2 small business units and open space provision with associated infrastructure, in accordance with application ref: DC/15/1128/OUT, dated 13 March 2015.
2. On 13 April 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

1. The Inspector recommended that the appeal be allowed and planning permission be granted subject to conditions.
2. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to allow the appeal and grant outline planning permission, subject to

conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Communities and Local Government Tel: 0303 444 1624
Maria Stasiak, Decision Officer Email: PCC@communities.gsi.gov.uk
Planning Casework
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Procedural matters

5. The Secretary of State agrees with the Inspector at IR3-4 that no interests would be prejudiced by determining the appeal on the basis of the amended plan, and he has proceeded on that basis.

Matters arising since the close of the inquiry

1. On 16 February 2017, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the implications, if any, of the Inspector's Report on the Felixstowe Peninsula Area Action Plan (FPAAP) and the Site Allocations and Area Specific Policies Development Plan Document (DPD).
2. On 18 May 2017, the Secretary of State wrote further to the main parties to afford them an opportunity to make representations on the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk Coastal DC v SSCLG, which was handed down on Wednesday 10 May 2017.
3. On 27 June 2017, the Secretary of State wrote further to the main parties to afford them an opportunity to make representations on the Suffolk Coastal District Council Housing Land Supply Assessment (1 April 2017 – 31 March 2022) published in June 2017.
4. A list of representations received is set out at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.
5. Two applications for partial award of costs have been made; one by Suffolk County Council against Christchurch Land & Estates (Felixstowe) Ltd and, and one by

Christchurch Land & Estates (Felixstowe) Ltd against Suffolk Coastal District Council.

These applications are the subject of separate decision letters. **Policy and statutory**

considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the Suffolk Coastal Local Plan Core Strategy and Development Management Policies (CS) adopted in July 2013; the saved policies of the Suffolk Coastal District-wide Local Plan (incorporating First and Second Alterations) (2006); the Felixstowe Peninsula Area Action Plan (FPAAP) and the Site Allocations and Area Specific Policies Development Plan Document (DPD), both adopted on 26 January 2017. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR15, along with those set out at IR21, which now form part of the development plan. He notes that policies AP170 and AP208, referred to at IR20, have been superseded by the FPAAP and no longer form part of the development plan.

8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

Emerging plan

9. A Local Plan Review is being carried out. This is at a very early stage, with an Issues and Options consultation being carried out between 18 August and 30 October 2017. Given the early stage of preparation and the lack of firm proposals at this stage, the Secretary of State considers that the emerging plan carries limited weight.

Main issues

1. The Secretary of State considers that the main issues are housing land supply; the weight attaching to development plan policies; landscape character; the benefits and impacts of the proposal; and provision of community and other services and facilities. *Housing land supply*
2. The Secretary of State has taken into account the Inspector's analysis at IR117-129. For the reasons given in IR117-124, he agrees with the Inspector at IR123-4 that due to the terms of Policy SP2, and the Council's failure to meet the cited timescale, the CS requirement figure of 7,900 (which gives an annual figure of 465) is out of date and cannot reasonably remain in place. He has gone on to consider what the appropriate requirement figure would be. For the reasons given at IR125-126, he agrees with the Inspector that a requirement figure in excess of 11,000 seems more realistic. He has taken into account the fact that the Inspector for the CS Examination concluded in 2012 that the best available estimate of the OAN for 2010-2027 would be 11,000 new dwellings (IR121), but that figures in excess of 11,000 were not subjected to an examination in public (IR125). He therefore concludes that on the basis of the material which was before the inquiry, a requirement figure of 11,000 is appropriate.
3. Since the inquiry was held, relevant documents have been published. The Suffolk Coastal District Council Housing Land Supply Assessment 1st April 2017 – 31st March

2022 (HLSA) was published in June 2017. It draws on the conclusions of the Ipswich Policy Area Strategic Housing Market Assessment (SHMA), which was published in May 2017. An appeal decision relating to Woodbridge Road, Bredfield (APP/J3530/W/16/3165412) was issued on 14 June 2017. The Council has further provided material relating to discussion of the SHMA at the Bell Lane inquiry (APP/J3530/W/16/3160194).

4. The Secretary of State has considered whether the figure of 11,000 should be amended in the light of this new information. The SHMA identifies an OAN figure of 460dpa, roughly in line with the CS figure. He has taken into account that the HLSA acknowledges that this figure has not been tested, and that this will happen as the Local Plan Reviews progress (paragraph 8 of the HLSA). The Secretary of State considers that testing of the SHMA figure is particularly important in this case. He notes that the SHMA highlights several uncertainties: e.g. the causes of UPC cannot be satisfactorily explained, and hence excluding it from future projections could either underestimate or overestimate trend-driven demographic change; migration and household formation are difficult to measure for the past and even more difficult to predict for the future; and there are difficulties in identifying the appropriate housing market uplift. In the light of these uncertainties, the Secretary

of State considers it is important that the SHMA is subject to consultation, scrutiny and independent objective testing. He further considers that it is not appropriate or necessary for him to attempt to resolve these uncertainties within this appeal process.

5. He agrees with the Bredfield Inspector's reasoning in paragraph 11 of his decision letter that the fact that the recently adopted DPD was found sound based on a housing requirement of 7,900 homes does not alter the fact that the OAN is identified in the CS as 11,000 homes, and that the Framework states that the housing requirements of an area should be based upon this.
6. For these reasons, he considers that the OAN set out in the SHMA carries limited weight, and considers that a figure of 11,000 for the OAN is appropriate in the current case. That gives an annual figure of 647, and a CS target figure between 2010-11 and 2015-16 of 3882.
7. The Secretary of State agrees with parties that the under delivery should be made up in the next 5 years (the Sedgefield method). Set against an annual figure of 647, the housing delivery figures set out in Appendix C of the HLSA indicate a cumulative shortfall of 1866 (3882 – 2016), and an annual shortfall figure under the Sedgefield method of 373.
8. The Secretary of State agrees with the Inspector's reasoning in IR127-129, and concludes that a 20% buffer should be applied. Applying this buffer to the figures above gives an annual requirement of 1,224 $((647 + 373) \times 1.2 = 1,224)$.
9. The Secretary of State has gone on to consider housing supply. The Inspector's consideration at IR130-135 is superseded by the consideration of this issue at the Bredfield hearing on 6 June 2017, where the Council put forward a supply figure of 3,757 (paragraph 15 of the Bredfield decision). Given this is a more up-to-date assessment by the Council, the Secretary of State prefers this figure. He notes that the figure for 2016-17 completions in the HLSA is higher than the figure put forward at the Bredfield hearing, and that the number of dwellings which have planning permission has also increased since the Bredfield hearing. He considers, in line with the Bredfield Inspector, that the recent increase in completions could have reduced the overall extent of the under provision, albeit that annual completions remain below the annual target of 647.
10. Overall the Secretary of State considers that that the supply of housing is 3-3.5 years.

Weight attaching to development plan policies

11. The Secretary of State agrees with the Inspector at IR180 that there would be conflict with CS Policies SP19, SP21, SP29, DM3 and FPP2, which deal with settlement policy and boundaries. These policies are consistent with some elements of the Framework, which seek to protect the countryside. However, the Secretary of State considers that overall they are out of date by virtue of inconsistency with the Framework, as there is no 5-year housing land supply as required by the Framework. Given that the housing land supply is only 3-3.5 years, he considers that these policies carry moderate weight. *Landscape character*
12. For the reasons given at IR138-151, the Secretary of State considers that overall there would be moderate harm to the setting of Felixstowe/Walton, and moderate harm to the character of the countryside. Although the site is large, and he agrees with the Inspector that there would be considerable visual harm to the immediate area (IR144) and significant harm to the character of FP057 (IR146), he further agrees that the harm would

be limited and highly localised (IR151). He gives the harm moderate weight. For the reasons given at IR148, he agrees with the Inspector that the harm to the AONB would be

very limited; however, given the importance that the Framework attaches to conserving landscape and scenic beauty in AONBs, he gives this harm moderate weight. He further agrees with the Inspector at IR151 that there is conflict with CS Policies SP15, SP19, SP21 and SP29.

Benefits and impacts

13. For the reasons given in IR153-155, the Secretary of State considers that the economic benefits of the proposal carry moderate weight. For the reasons given in IR156 he considers that the benefits of the provision of market and affordable housing carry significant weight. However, as there is no mechanism to secure the proposed business units, the community facility or the care home/assisted living spaces, he considers that these carry limited weight in the planning balance.
14. The Secretary of State considers that the loss of BMV agricultural land carries moderate weight against the proposal.

Provision of community and other services and facilities

15. For the reasons given in IR159-166, the Secretary of State agrees with the Inspector that subject to the imposition of conditions and the submitted unilateral undertaking, the proposals make adequate provision for community and other services and facilities, in line with local and national policy (IR166).

Planning conditions

30. The Secretary of State has given consideration to the Inspector's analysis at IR167-170, the recommended conditions set out at the end of the IR (Annex pages 37-42) and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

31. Having had regard to the Inspector's analysis at IR171-2, the signed and dated unilateral undertaking, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR172 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

Planning balance and overall conclusion

1. The appeal proposal conflicts with a number of development plan policies as set out above, and the Secretary of State considers that it is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
2. In the absence of a 5-year housing land supply, paragraph 14 of the Framework applies. It states that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.
3. The Secretary of State considers that the harm to the setting of Felixstowe/Walton and to landscape character carries moderate weight, and that the very limited harm to the AONB also carries moderate weight. He further considers that the loss of BMV agricultural land carries moderate weight against the proposal.

4. He considers that the provision of the housing, including the affordable housing, carries significant weight in favour of the development, and that the economic benefits carry moderate weight. He further considers that the proposed business units, the community facility and the care home/assisted living spaces carry limited weight in favour of the development.
5. The Secretary of State considers that there are no specific policies in the Framework which indicate that this development should be restricted. He further considers that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits. Overall he concludes that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
6. The Secretary of State therefore concludes that the appeal should be allowed, and planning permission granted, subject to conditions.

Formal decision

1. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission, subject to the conditions set out in Annex B of this decision letter, for the erection of 560 dwellings including a local community centre, a 60 bedroom extra care home and 50 assisted living units, 2 small business units and open space provision with associated infrastructure, in accordance with application ref: DC/15/1128/OUT, dated 13 March 2015, as amended by the substitution of a revised plan as set out in paragraph 5 of this decision letter.
2. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

1. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
2. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or

if the Local Planning Authority fail to give notice of their decision within the prescribed period.

3. A copy of this letter has been sent to Suffolk Coastal District Council and all other parties who asked to be informed of the decision. Yours faithfully,

Maria Stasiak

Authorised by Secretary of State to sign in that behalf

Annex A – Summary of representations Representations received in response to the

Secretary of State's reference back letter of 16 February 2017

Party	Date
Suffolk Coastal District Council	1 March 2017
Suffolk County Council	2 March 2017
Richard Brown Planning Limited	2 March 2017
Pegasus Planning	2 March 2017
Felixstowe Society of Allotment and Leisure Gardeners	1 and 3 March 2017
Felixstowe Town Council	2 March 2017

Representations received in response to the

Secretary of State's reference back letter of 18 May 2017

Party	Date
Suffolk Coastal District Council and Cornerstone Barristers	24 May and 1 June 2017
Richard Brown Planning Limited	31 May 2017
Felixstowe Society of Allotment and Leisure Gardeners	29 May 2017
Felixstowe Town Council	31 May 2017

Representations received in response to the Secretary of

State's reference back letter of 27 June 2017

Party	Date
Suffolk Coastal District Council	7 July 2017
Richard Brown Planning Limited	6 July 2017
Felixstowe Society of Allotment and Leisure Gardeners	6 July 2017
River Debden Association	8 July 2017
Felixstowe Town Council	11 July 2017
Suffolk Coastal District Council	19 July 2017

General representations

Therese Coffey MP	11 October 2016
Suffolk Coastal District Council	28 July 2017
Suffolk Coastal District Council	15 August 2017
Suffolk Coastal District Council	18 August 2017
Suffolk Coastal District Council	29 August 2017

Annex B – Conditions

1. Plans and particulars showing the detailed proposals for all the following aspects of the development ("the reserved matters"), or within a phase, shall be submitted to the local planning authority and the development shall not be commenced before these details have been approved:

- a. The siting of all buildings and the means of access thereto from an existing or proposed highway;
- b. The design of all buildings, including the colour and texture of facing and roofing materials; iii. Landscaping;
- a. A landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;
- b. The layout of foul sewers and surface water drains; and
- c. The alignment, height and materials of all walls and fences and other means of enclosure.

2. a) Application for approval of any reserved matters must be made within five years of the date of this outline permission and then

b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

3. The development hereby permitted shall be carried out in full accordance with Drawing No. YOR.2258_036.A and generally in accordance with the Indicative Masterplan (Drawing No YOR.2258_010M) unless otherwise agreed in writing by the Local Planning Authority.

4. Prior to development commencing a phasing plan for the development of the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The development of the site shall be undertaken in accordance with the approved plan or as otherwise agreed in writing by the Authority from time to time.

5. Before the development is commenced, or any phase of development commenced, details of the areas to be provided for storage of refuse/ recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details and shall be retained thereafter for no other purpose.

6. Prior to the commencement of development, a Construction Management Plan shall be submitted to the local planning authority for approval. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. The parking of vehicles of site operatives; ii. Loading and unloading of plant and materials;

iii. Storage of plant and materials used in the construction of development; iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; v. Measures to control the emission of dirt; and vi. A scheme for recycling/disposing of waste resulting from demolition.

7. No development shall take place until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority and the recommendations of which must be implemented during the construction phase of the development unless otherwise agreed in writing.

8. Prior to any development commencing on any phase within the site a scheme for protecting noise sensitive properties within the site from road traffic noise shall be submitted to and approved by the Local Planning Authority. All works which form

part of this scheme shall be so far as they relate to any specific property before such property is occupied.

9. Although site investigation has not previously identified any contamination associated with this site, if any contamination is encountered anywhere on the site during the development, it must be reported to the Local Planning Authority. Where remediation is necessary a scheme shall be prepared and agreed in writing with the Local Planning Authority prior to any works which may disseminate or bury the contaminant or put any site operative at risk and thereafter implemented in accordance with the measures specified in the agreed scheme.
10. No development shall commence commencing on any phase within the site until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
11. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
13. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.
14. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification in conjunction with the development to which it relates.
15. Any planting, seeding or turfing comprised in the approved details of landscaping in respect of any phase shall be carried out in accordance with the phasing arrangements for such planting and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced on the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

16. A landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules for all landscape areas, SUDS and play areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development. The landscape management plan shall be carried out as approved.
17. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwellings are occupied. Development shall be carried out in accordance with the approved details.
18. Concurrent with the first reserved matters application, an amended flood risk assessment (FRA) including surface water storage on site to be provided and sized to contain the 1 in 100 year + 40% climate change event has been submitted to and approved in writing by the Local Planning Authority.
19. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a. Limiting the surface water run-off generated in all events up to the 1 in 100 year critical storm to no more than 43l/s (1.37 l/s/ha or QBAR), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site; ii. Provision of attenuation storage to manage the volume of surface water generated in all rainfall events up to and including the 1 in 100 year return period event including allowances for climate change (40%);
 - a. The pipe diameters of the surface water drainage network shall be determined during the detailed design stage and calculations shall be submitted which demonstrate they are sized to adequately convey the critical duration 1 in 100 year return period rainfall event, including allowances for climate change. A fully labelled network diagram showing all dimensions (pipe numbers, gradients, sizes, locations, manhole details etc.) of every element of the proposed drainage system should be submitted;
 - b. In the event of exceedance flows that surpass the critical duration rainfall event or a blockage/failure occurs within the drainage network/flow control device the attenuation features shall incorporate an emergency spillway and appropriate freeboard as part of their design;
 - c. Confirmation that the existing drainage ditches, downstream to watercourse, are free from obstruction and able to adequately drain to watercourse without causing nuisance or damage. It is proposed that all surface water runoff generated from the proposed development will be discharged to existing drainage ditches via attenuation and a controlled discharge rate (43 l/s);
 - d. All surface water management features must be designed in accordance with CIRIA (C753) The SuDS Manual so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits;
 - e. Plans and drawings showing the locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans

should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of the proposed attenuation features will be required;

- f. Details of the future adoption and maintenance of all aspects of the surface water drainage strategy. The local planning authority should be satisfied that arrangements are in place for the long term maintenance and management of the surface water management scheme;
- g. Infiltration testing shall be carried out on the site in accordance with BRE 365, and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- h. Confirmation, in writing, of the East Suffolk Internal Drainage Board's acceptance of the proposed surface water runoff rates should be submitted;
- i. A full hydrological analysis of the ordinary watercourse which flows through the site, including information regarding the watercourse capacity and calculations to demonstrate that the proposed road crossing culverts/bridges will be suitably sized to convey the 1 in 100 year flood event, including allowances for climate change. The mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

20. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

21. No more than three hundred (300) dwellings hereby permitted shall be occupied until the flood risk asset register template has been submitted, in the required form, to and approved in writing by the Local Planning Authority.

22. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the Local Planning Authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

23. No development shall commence until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions, and:

- a. The programme and methodology of site investigation and recording; ii. The programme for post investigation assessment;

iii. Provision to be made for analysis of the site investigation and recording; iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

- a. Provision to be made for archive deposition of the analysis and records of the site investigation;
- b. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; and
- c. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

24. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 23 and the provision made for analysis, publication and dissemination of results and archive deposition.

25. No development shall commence on each specific reserved matters phase until details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), related to that phase, have been submitted to and approved in writing by the Local Planning Authority.

26. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

27. The new estate road junction with Candlet Road, as shown on WYG drawing No. A085774_007 Rev. B inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials. Full details of the junction shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.

28. No development shall commence on each specific reserved matters phase until details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage, related to that phase, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be delivered in conjunction with the development they are intended to serve, and shall be retained thereafter and used for no other purpose.

29. No more than ninety nine (99) dwellings shall be occupied until the footway/ cycleway along the north east side of Candlet Road from the site access to the Grove Road Heath Centre, as shown on WYG Drawing A085774_010 Rev. A, and the footway link adjacent to Gulpher Road, as shown on WYG Drawing No. A085774_007 Rev. B, have both been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

30. No dwelling shall be occupied until footpath 24 has been enhanced with a metalled surface and street lighting, from the site access to Ataka Road (as generally shown in WYG drawing A085774_014), has been carried out in accordance with details

that shall previously have been submitted to and approved in writing by the Local Planning Authority.

31. No dwelling shall be occupied until a Zebra Crossing on the High Street, as shown on the WYG Drawing A 085774_011 Rev. A, has been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Report to the Secretary of State for Communities and Local Government

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 11 January 2017

TOWN AND COUNTRY PLANNING ACT SUFFOLK COASTAL DISTRICT COUNCIL

APPEAL BY

CHRISTCHURCH LAND & ESTATES (FELIXSTOWE) LTD

Inquiry opened on 27 September 2016

Land at Candlet Road, Felixstowe, Suffolk IP11 9RD

File Ref: APP/J3530/W/15/3138710

File Ref: APP/J3530/W/15/3138710
Land at Candlet Road, Felixstowe, Suffolk IP11 9RD

1. The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
2. The appeal is made by Christchurch Land & Estates (Felixstowe) Ltd against the decision of Suffolk Coastal District Council.
3. The application Ref DC/15/1128/OUT, dated 13 March 2015, was refused by notice dated 12 June 2015.
4. The development proposed is up to 560 dwellings including a local community centre, a 60 bedroom extra care home and 50 assisted living units, 2 small business units and open space provision with associated infrastructure.
5. The inquiry sat for 4 days on 27 to 30 September 2016; an accompanied site visit took place on 4 October 2016.

Summary of Recommendation: That the appeal be allowed.

Procedural Matters

1. At the Inquiry applications for costs were made by Christchurch Land & Estates (Felixstowe) Ltd (the appellant) against Suffolk Coastal District Council (SCDC) and by Suffolk County Council (SCC) against the appellant. These applications are the subject of separate Reports.
2. On 13 April 2016 the Secretary of State (SoS) directed that he would determine the appeal. The reason for this direction was that the appeal involves proposals for residential development of over 150 units or on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
3. As part of the preparation of a section 106 Obligation, up to date title information was obtained by the appellant. The Land Registry-filed plans showed that the boundaries of the two titles differed slightly in three places from the boundary as shown on the site location plan submitted with the planning application. An amended site location plan (Drawing No

YOR.2258_036.A) was submitted with the supplemental proof of Richard Brown (Document CLE6: Plan 4) and at the Inquiry I was asked to substitute this plan for that originally submitted.

4. The three changes, which are indicated in blue on Drawing No YOR.2258.040.A (Document CLE6: Plan 3), are minor (amounting to less than 1% of the original site) and each involves a slight reduction in the site area. No additional land outside the original application site is to be included. As the site area is reduced I do not consider that any interests would be prejudiced by this appeal being determined on the basis of the amended plan. The Illustrative Masterplan has also been amended to accord with this reduction in the site area.

Reasons for refusal

5. At its meeting on 10 June 2015 the Council's Development Management Committee resolved to refuse planning permission for the following reasons:
 1. *The site lies in the open countryside outside the defined physical limits for Felixstowe where there is a presumption against new development in recognition of its intrinsic character and beauty. Policy SP21 limits new*

development to that which of necessity requires to be located there. The site would breach the strong physical "barrier" Candlet Road and would lead to development with countryside on three

sides which does not promote sustainable development. Candlet Road is a heavily trafficked route with no footpaths. It is also the main vehicular route to the town from the A14 for residents, visitors and tourists. As such it forms a strong physical "barrier" that denotes the extent of the existing built up settlement. The proposed development would be isolated and not well related to the established built up area of Felixstowe and the villages and has poor access to services and facilities required by future residents and is therefore not an appropriate housing site nor is it in a sustainable location. The inclusion of a footpath on Gulpher Road and crossing over Candlet Road does not overcome the concerns identified. Future residential development in the Felixstowe peninsula area should be brought forward in the Action Area Plan. The proposal is not considered to be sustainably located and as such is contrary to the provisions of the National Planning Policy Framework and Policies SP1, SP1A, SP19, SP21 and SP29 and DM22 of Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.

2. The proposal fails to make adequate provision/ contributions (and/ or agreement to provide) for community and other facilities/ services for the occupants of the dwellings. The applicant have not entered into the necessary legal agreement, which is required to ensure the following infrastructure requirements/ facilities are provided:

1. The provision of a third of the dwellings as Affordable Housing,
2. Financial contributions towards Secondary School Places, Pre-school Places and Libraries, Financial contributions towards Highway Improvements and a Traffic Regulation Order in order to address the highway and pedestrian safety concerns,
3. The provision of Play Space and Sports Space,
4. A Management plan to deal with the provision, maintenance and transfer of open space and play space equipment.

The proposal is therefore contrary to the National Planning Policy Framework and Policies SP1, SP11, SP16, SP17, SP18, SP26, DM2 and DM32 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.

1. The application does not provide sufficient information to enable the archaeological potential of the site to be suitably assessed and this is a requirement prior to the determination of any application.
2. A development of this scale normally requires a minimum of two points of vehicular access for highway safety and accessibility in an emergency. As currently proposed the single access is not acceptable and gives rise to road safety concerns. The application is therefore contrary to Policies DM21 and DM22 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.

3. The proposed development does not provide a continuous surfaced and lighted link for walkers and cyclists from the site to the local roads leading to Walton High Street, the nearest service centre. Footpath 24 which runs from the south side of Candlet Road to recreation Way and Ataka Road is an unsurfaced route with no lighting, and cannot be considered suitable for an intensification of use. Such a lack of connectivity will be likely to result in an increase in vehicle trips from development here which is not sustainable in transport terms. The proposal is therefore contrary to Policies SP1, SP1A, DM21 and DM23 of the Suffolk District Local Plan Core Strategy and

Development Management Policies Development Plan Document July 2013.

4. The Transport Assessment for this application is not complete, as it does not include the committed development C12/2395, which is for retail use on the Felixstowe rail station site. Should that permission proceed, it will result in additional impact on the road network, and

particularly on the signalcontrolled junction of High Road with Garrison Lane. This needs to be assessed before the application is determined.

5. *The proposed development will extend the urban area and built form beyond the existing strong urban edge formed by Candlet Road to the south, into what is currently open and attractive countryside, albeit somewhat moderated by the presence of extensive horse grazing paddocks associated with the livery business which exists on site. The landscape becomes characterised by temporary paddock electric fence ribbons, and dominant weed infested grassland because horses are selective grazers. The proposed development would alter the character of the immediate site from what is currently horse grazed pasture to a landscape of mixed use but mainly residential housing. This is a significant but localised effect on landscape character. The development, with its illogical and unconstrained boundaries, will extend development closer to the Area of Outstanding Natural Beauty and protected landscapes which is considered to be potentially harmful to the short and long distant [sic] views from protected landscape areas. The proposed landscape management plan and advanced mitigation planting do not wholly overcome the concerns to landscape harm in this instance, although it is acknowledged that visible impact will moderate as the indicated mitigating planting grows and matures. The proposal is therefore considered to be contrary to Policies SP1, SP1A, SP15 and DM21 of the Suffolk District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013.*
1. There is an error in the second reason for refusal where, in the second bullet point, it incorrectly refers to secondary school places. This should read primary school places. The appellant was fully aware to this typographical error and was not prejudiced by it.
2. On 11 July 2016 the Council's Planning Committee agreed that reasons for refusal Nos 3, 4, 5 and 6 would not be defended at the Inquiry as it was anticipated that these matters would be agreed through a Statement of Common Ground (SoCG) (Document DC3.1). In the event, several separate SoCGs were submitted in respect of Housing Requirement & Five Year Housing Land Supply (Document ID1); Drainage (ID15); Archaeology (ID16); Transport (ID24 & GEN3); and Education and Early Years (ID25).
3. A Unilateral Undertaking (UU) was submitted by the appellant. SCDC and SCC agree this overcomes reason for refusal 2, although there is an outstanding issue concerning the way in which the issue of primary school provision has been dealt with in the UU. This is discussed later in this Report. A draft version of the UU (Document ID14) was presented and discussed at the Inquiry and a signed copy was submitted following the close of the Inquiry (Document PID1) in accordance with an agreed timetable.

The Site and Surroundings

1. The appeal site, which following the reduction in area as set out in paragraphs 3 and 4 (above) has an area of 30.76ha, is located to the north of Candlet Road (A154) and to the east of Gulpher Road, a designated "Quiet Lane". There are two dwellings within the overall site boundary but which do not form part of the appeal site. These dwellings, Cowpasture Cottage and Cowpasture Farm, together with their gardens, form small islands excluded from the appeal site.
2. The site is of irregular shape and is slightly undulating with its highest point in the centre. It is mostly laid to grass used as grazing for horses. There is a sizeable stables complex at Abbey Farm close to Gulphur Road which includes two ménages and a small wind turbine in the centre of the site. Much of the site is divided into small fields by fences and electrified tapes. There are small industrial units close to the southern boundary, accessed from Gulphur Road, and a golf driving range along the western boundary. This was not in use at the time of my visit, its car park being used for caravan storage.
3. To the west, north and east is agricultural land, the land to the east being separated by Grove Wood to which there is public access. There are playing fields, with a pavilion and

substantial car park, next to Grove Wood, the car park is also used by visitors to the Wood. This Wood also extends to the south of the site and adjoins existing allotments that are situated between the site and Candlet Road. There are lay-bys either side of Candlet Road. To the south east of the site, and fronting Candlet Road, is the Grove Medical Centre and Pharmacy which has a substantial car park to the rear.

4. There is a public footpath (FP24) that runs from Candlet Road into the site adjacent to the western boundary of the allotments. The footpath then turns to the east and joins another footpath (FP19) in Grove Wood that runs north/ south close to the eastern boundary of the site. To the south, FP24 links with a path on the southern side of Candlet Road that runs through to High Road West/ High Street, Walton. Candlet Road (A154) is a busy main road that is one of the main routes into Felixstowe from the A14. It broadly forms the northern boundary of the settlement with housing and the commercial centre of Walton to the south.
5. The site does not benefit from any local or national landscape designation. The boundary of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) lies about 300m north of the site. The Deben Estuary Special Protection Area and Site of Special Scientific Interest is approximately 2.4km away.

Planning Policy

1. The development plan for the area comprises the Suffolk Coastal Local Plan Core Strategy and Development Management Policies (adopted 5 July 2013) (the CS) and the saved policies in the Suffolk Coastal District-wide Local Plan (incorporating First and second Alterations) (the Local Plan) that were not superseded by the adoption of the CS in 2013. The relevant policies are set out in the Officers' Report to the Development Management Committee.

2. In respect of the matters at issue in this appeal, the key policies are listed in paragraphs 2.8 and 2.9 of the (unsigned) SoCG (Document GEN2) although this list omits CS Policies SP2 and SP29. The principal policies referred to at the Inquiry were CS Policies SP1, SP1A, SP2, SP15, SP19, SP21, SP29, DM21 and DM22 (Document CD E1).
3. CS Policy SP1 sets out the Council's strategy for the achievement of sustainable development. Policy SP1A says that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (the Framework). It reiterates parts of paragraph 14 of the Framework. Policy SP2 says that the CS will make provision for 7,900 new homes across the District in the period 2010 to 2027. Land for new homes will be distributed in accordance with Policy SP19. The policy says that "*An early review of the CS will be undertaken, commencing with the publication of an Issues and Options Report by 2015 at the latest*". It adds that this review will identify the full, objectively assessed housing needs (FOAHN) for the District and proposals to ensure that this is met.
4. CS Policy SP15 says that the policy of the Council will be to protect and enhance the various landscape character areas (LCAs) either through opportunities linked to development or through other strategies. It says that in addition to the protected landscape of the AONB the valley of the River Deben is one of the valleys considered to be particularly significant.
5. Policy SP19 sets out the settlement policy. It identifies that Felixstowe/ Walton and the Trimley villages will accommodate 22% of the total proposed housing growth. This objective is expanded upon in Policy SP21 which says that in this area additional housing will be created and that in the short to medium term this will represent organic and evolutionary growth in Felixstowe and the Trimleys while preserving the prime agricultural land for essential food production. The policy also seeks to expand the local employment base alongside that provided by an expanded port function. The policy refers to a

dispersed pattern of future development and says that it is the cumulative impact rather than individual development schemes that are likely to be critical and will drive the need for developer contributions.

6. Policy SP29 seeks to limit development outside defined settlements, such as Felixstowe, to that which of necessity requires to be located there and accords with other policies. Policy DM3 expands on Policy SP29 and sets out the types of new housing that will be allowed in the countryside. The current proposals do not fall into any of the cited categories. New housing will be directed to, and integrated within, settlements with defined physical boundaries. Policy DM21 says that proposals that comprise poor visual design or otherwise seriously detract from the character of their surroundings will not be permitted. Policy DM22 sets out various requirements for proposals for new development. Policy DM2 says that the Council, subject to various thresholds, will expect 1 in 3 new housing units to be affordable housing.
7. The cited saved policies of the Local Plan are Policies AP170 (Felixstowe: Restraint) and AP208 (Felixstowe: The urban fringe). These policies are dated and it is agreed that they carry only limited weight when compared with the CS and the Framework.
8. The emerging plans include the Felixstowe Peninsula Action Area Plan: Proposed Submission Document (April 2016) (FPAAP) and the Council's Site Allocations and Area Specific Policies: Proposed Submission Document (April 2016). The review of the CS referred to in Policy SP2 is expected to commence in Spring 2017. The Examination of the FPAAP commenced on 30 August 2016. The appeal site is not listed as a preferred site for development but is being promoted. Relevant policies include Policy FPP1 which identifies that 590 dwellings are proposed for Felixstowe. Policy FPP2 covers similar matters as CS Policies SP19 and SP29 in respect of settlement boundaries and development outside these boundaries. Policy FPP27 requires new residential development to provide accessible green spaces.

The Proposals

1. The application is in outline form with all matters, apart from means of access to the site, reserved for future determination. The details of the site access, which would be from a signal controlled junction off Candlet Road, are shown on Drawing No A 085774_007 in Appendix A of Document GEN3.
2. The proposals involve the demolition of all existing buildings within the site and include the construction of a maximum of 560 dwellings, a community centre, a 60 bedroom extra care home, 50 assisted living units, 2 small business units and open space with associated infrastructure.
3. There is no mechanism to ensure the delivery of the community centre or the small business units. The details of the development, as set out in several of the documents before the Inquiry, also refer to the provision of a small convenience store as part of the community centre. At the Inquiry it was confirmed that this store, which is not mentioned on the planning application form, does not form part of the proposals for which permission is sought.
4. The Illustrative Masterplan shows that the development would be largely set in from the site boundaries to allow for additional planting and that the centre of the site would remain open as public open space. The community centre would be to the east of this space while the business units would be sited close to the site entrance. New footpaths and cycle routes would be provided within the site. Off-site works would include a pedestrian crossing linking FP24 with the pedestrian route to the commercial uses in the centre of Walton. A new shared footway/ cycleway would be provided along the northern side of Candlet Road as far as the Grove Medical Centre and Pharmacy and a zebra crossing would be provided adjacent to the Gulpher Road/ Walton High Street junction.

Other Agreed Facts

1. It is agreed that, subject to the imposition of conditions, there is no dispute between the parties concerning archaeological matters (Document ID16) or flood risk, surface water management or drainage matters (Document ID15). It is agreed that the proposals do not impact on any other designated or nondesignated heritage assets. It is further agreed that subject to the submission

of a signed and dated UU there is no dispute between the parties concerning highway, transport and rights of way matters (Document ID24).

2. Concerning education and early years matters, there is no dispute between the appellant or SCC subject to the completion of an appropriate UU (Document ID25). There is a dispute between SCDC and the appellant concerning the provisions of the UU.
3. The site contains best and most versatile agricultural land, Grades 1 and 2.

The Case for Christchurch Land & Estates (Felixstowe) Ltd

Five year housing land supply

Full Objectively Assessed Housing Need

1. The evidence of the Council's witness demonstrated that it has misunderstood the law and policy context in which this issue must be addressed. Citing Hickinbottom J in Stratford, which was later consolidated in Gallagher (Document CLE1: Appendix 3), it is clear that it is implicit in paragraph 47 of the Framework that the need is for a local planning authority to meet the FOAHN, for market and affordable housing, as far as consistent with the policies set out in the Framework even when considering development control decisions.
2. The PPG makes it clear that the development plan is the starting point but it is capable of being overtaken by subsequent evidence. In West Berkshire (Document CLE1: Appendix 20/21) the Court accepted that the Inspector was entitled to depart from the figure in the development plan for the reasons he gave in his Decision. He was entitled to conclude that the other material considerations he identified outweighed the annual housing requirement figure in the CS and that the housing requirement identified in the CS no longer provided an appropriate basis for the calculation of a five-year supply. In this appeal, therefore, the Council's position is misconceived.
3. The starting point is the housing land supply SoCG which reveals a dichotomy between two figures – 7,900 and 11,000. The Council is not advancing a figure between the two and so if the SoS rejects 7,900 then the Council does not have a five-year housing land supply in any circumstances. The issue, therefore, is whether the figure of 7,900 is now out of date.
4. It is agreed that the figure is based upon the Regional Spatial Strategy which was prepared before 2006 and that it does not reflect the FOAHN which is at least 11,000 and that a reassessment of the FOAHN is likely to produce a figure greater than 11,000. The contemporary reflection of housing needs is not 7,900. That figure only has traction because it has been adopted as the base figure in the CS. In the light of West Berkshire it is essential to consider whether it has been overtaken by events.
5. It was agreed by the Council that the CS Inspector had a dilemma; whether to require the withdrawal of the plan as not reflecting contemporary housing needs or whether to pass it subject to an early review. The Council persuaded the CS Inspector to adopt the latter approach on the assurance that the early review would commence in 2015. This plan was passed on this highly conditional basis. The Council has failed to commence the review at the time advertised to the CS Inspector. The Framlingham Inspector was told it would commence in autumn 2016; this Inquiry has been told it will commence in spring 2017. The condition on which the CS was passed has not been met; more slippage may occur.
6. In Framlingham (Document CLE1: Appendix 11) the Inspector already found that 7,900 is not up to date for precisely these reasons. A further year has now passed. This body of evidence robs the 7,900 figure of any legitimacy. It should now be regarded as being out

of date. While the Council offered various reasons for failing to meet the time limit for the review that is not the point. Objectively, there has been a failure to deliver and some further step must be taken to rectify the situation. This is reflected by the Framlingham Inspector.

7. The Council's suggestion that the policy requirement in CS Policy SP2 is optional is plainly wrong. The promise to carry out the review was clearly the central consideration that persuaded the CS Inspector to find the plan sound. Overall the principle in Dacorum (Document CD F6) applies in this case:

"Mr Kingston conceded, rightly in my view, that if the Council failed to carry out the review within the timescale given in paragraph 29.9 of the CS, that is to say by 2018 at the latest, it would not be able to say that the policies for housing development in the CS were up to date".

The buffer

8. The Framlingham Inspector was unequivocal on this matter; it should be 20%. The SoS needs to address this matter now. The Inspector assessed delivery by reference to the FOAHN figure and found the under performance to be very significant. Lewis J in Cotswold (Document CLE1: Appendix 22) confirmed this to be the correct approach. The position is clearly set out in Christopher May's proof which reveals a prolonged year on year failure to meet published targets. A 20% buffer is clearly appropriate.

The "August update"

9. The Council sought to inflate the supply side by adding sites which qualified for inclusion in the period April to August 2016. This is the wrong approach as identified by the Inspector in the Staunton Decision (Document CLE1: Appendix 27). This shows the Council's unreasonable behaviour as it has published a paper to the AAP Inspector in which it has explicitly eschewed the update as it does not provide a full housing land supply update.
10. The appellant invites the conclusion that the contemporary evidence reveals that the Council's five-year housing land supply falls substantially below the minimum five year threshold. In these circumstances it is agreed that paragraph 49 of the Framework is engaged and following Suffolk Coastal (Document CD F8), all the policies that restrict housing development are to be regarded as being out of date. This Decision should be made following the application of paragraph 49. In any event, following the principle in Dacorum, the CS should be regarded as being out of date regardless of any judgement on housing land supply.

Landscape character

1. In this case the primary material is all agreed and the differences are limited to marginal judgements about the severity of effects. The Council praised the submitted LVIA and took no issue concerning the rigour of its approach nor its conformity with the process prescribed in the Guidelines for LVIA.
2. The Council's impact complaints were as set out in Document ID3 and Table 1 of Mr Flatman's proof. He agreed this was the worst case assessment of visual effects and that, on his evidence at its highest, the visual effects were *"highly localised as to both area and severity"*. This is an extraordinarily light impact and strongly suggests this is the right place in which to meet future housing needs. The main parties differed only as to a handful of scattered views in and around the boundary of the AONB. A six-foot gap in a fence at 1.2km distance should be regarded as insignificant.
3. The argument about character effects is equally constrained by the full agreements set out in Table 1 of Mr Flatman's proof. Four character areas are identified and the differences between the main parties are marginal. The impacts are conspicuously minor and contained, again suggesting that this is the right site. It is conceded that there is a minor adverse impact on views out from the AONB. Paragraph 115 of the Framework is relevant with appropriate weight applied.

4. The suitability of the site to accommodate development implied by the limited differences between the main parties is reinforced by the 2008 study; the 2009 Entec study; and the Officers' report to the Planning Committee. All confirm the ability of the site to accommodate residential development and the relative superiority of the site compared to others.
5. The appellant's conclusion is that the degree of landscape harm arising from the development of the appeal site is remarkably confined in both space and severity and, further, that this is the most appropriate location in which to meet housing needs when compared to other candidates around Felixstowe.

Sustainable development

1. The Framework well understands that the three limbs of sustainable development are irreconcilable as it is not possible to address economic and social needs without causing an impact on the environment. Paragraph 8 of the Framework implies that a balance must be struck between these policy objectives by insisting that they should be pursued simultaneously. In this case the environmental harm is minimised by the landscape impacts as set out above. No form of environmental harm, other than landscape impact, is advanced by the Council.
2. Concerning the social dimension, the appellant cites the provision of affordable housing in an accessible location close to local community facilities and the enhancement of non-car borne modes of transport to those facilities as well as the provision of public open space and possibly a community centre. The site has access to the town centre by bus, bicycle and on foot. In the light of the SoCG on Highways, the Council's witness did not support the Council's original suggestion that this would be an "isolated, gated community".
3. The economic dimension is advanced by the provision of housing. However, the Port of Felixstowe is a powerful driver of the sub-regional economy. The development plan is aligned with the New Anglia Local Enterprise Partnership (LEP) to promote the success of the Port as it brings substantial economic

benefits to Felixstowe and the wider economy. The LEP recognises the need for a comparable relationship between employment generation and housing provision; housing needs to keep pace or the success of the Port will be retarded. This was recognised in the Officers' report. The economic benefits of the housing at this local level are specific and profound. The proposals should be regarded as sustainable development.

Community services/ facilities

1. The issue is articulated in the second reason for refusal. SCC considered that an insufficient range of contributions had been provided to address the external costs of the development. These matters were discussed before and during the Inquiry by the parties such that the appellant and SCC are now in full agreement as to the scale and nature of the contributions properly required by the proposals. The UU provides for a full policy compliant affordable housing contribution whose quantity, character and deliverability are all agreed.
2. The physical highways contributions have been agreed for some time and are set out in the SoCG on Highways. The SoCG agrees that the development would provide residents with good facilities to travel by sustainable modes. The site is well connected to services, facilities and public transport interchanges. The measures will improve the site's accessibility. The initial dispute concerning contributions towards public rights of way and the implementation of the travel plan are now agreed and set out in the second SoCG on Highways matters.

Education

3. The appellant and SCC have reached a comprehensive agreement on this; the supporting evidence is in the SoCG. This agrees that there is not surplus capacity to accommodate the

35 pupils associated with Kingsfleet Primary School. The evidence, therefore, is that there is a need to expand primary school provision. At present SCC has not decided how to make that provision. There are two possibilities; on-site provision of a new school or financial contributions towards an off-site provision. SCC does not want to commit itself at this stage and so the appellant and SCC agreed that a sensible approach is to provide for both possibilities, in the alternative, in the UU.

4. SCDC has argued that the SoS is disentitled from entertaining this planning application as it has not assessed the consequences of building a school on the site. This fails to understand the reality of the position. SCDC has failed to recognise the difference between a private law legal instrument entered into between two contracting parties and the public law process of making an application to develop land. The UU does nothing more than reserve an area of land that might be the subject of a future planning application to replace public open space with a school. The UU does not pre-empt that process or predetermine it. It might only be material if the quantum of public open space was compromised by the subsequent provision of a school. However, the Council's witness accepted that the over-provision of public open space in the scheme is over 2ha. In policy terms the loss would have no consequences.
5. If the SoS has any concerns about the reservation of land in this way, or if he considers that it is not CIL compliant, he can acknowledge the accepted need for primary school places as set out in the SoCG and the agreed payments. The issue need go no further. The complaint by SCDC is misconceived.

The planning balance

1. If SCDC can demonstrate a five-year housing land supply the balance is struck in accordance with s38(6) of the Act. If not, paragraph 14 of the Framework applies. Paragraph 14 also applies if the principle set in Dacorum is applied.
2. It is obviously important to note from the outset that the Council's witness accepted that, in the context of paragraph 14, the harm does not significantly outweigh the benefits of permitting the development. The appellant agrees with that position. So all relevant expert witnesses agree that if the paragraph 14 approach is applied, permission should be granted. It is not suggested that this binds the SoS, but it is heavily persuasive on this most important question.
3. The benefits of the scheme are as stated above. The need for housing to keep pace with the expansion of employment opportunities at the Port of Felixstowe is a profound benefit. The proposals also provide specialist accommodation for the elderly which has the collateral benefit of freeing up other houses. Access across Candlet Road is improved and the scheme helps to secure the viability of the bus service. There are also wildlife and public open space benefits. The overall impact of these to the public interest is extremely significant.
4. The harm is relatively muted. The landscape harm mostly arises on the site and its immediate environ. It is acknowledged that there is some impact on the AONB related to views out from the AONB which are described as minor or minor/ moderate. Beyond this, the absence of harm is a conspicuous feature of the proposal. It is necessary to attach any appropriate residual weight to the out of date policies for the supply of housing. This harm does not significantly outweigh the benefits of granting permission.
5. If the s38(6) presumption applies then the appellant contends that the accumulated benefits of bringing forward this scheme early represents material considerations sufficient to overturn the statutory presumption. The appellant invites the SoS to grant permission qualified by conditions and the UU.

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Context

1. The benefits of a plan-led planning system are well understood and were acknowledged by the appellant's planning expert witness. These development proposals are all in the countryside in the upper valley slopes of the River Deben. It is possible that part of the highest point in the site, shown as public open space, would be required for a primary school. The matter of a primary school is the subject of a separate Position Statement (Document ID30). This all runs directly counter to the development plan strategy for growth in Felixstowe in that they involve the development of a site separated from the built up area by the strong northern boundary of the town formed by the wooded corridor of Candlet Road and the allotments. This is far from being "immediately abutting existing built up areas" as sought in CS Policy SP21.
2. It would represent an illogical extension of the town, disconnected visually and spatially from the urban area involving the development of 31ha of the best and most versatile agricultural land. It would have adverse consequences for landscape character and sustainability. There would be direct conflict with the development plan. There has been no attempt to argue that the proposals

accord with that plan or that material considerations indicate that permission should be granted if the supply of housing land in the district exceeds 5 years. The appellant's case relies on there being no five-year housing land supply.

3. The CS, adopted in 2013 (and subject to a legal challenge resolved in 2015) provides a clear strategy to meet the housing need in advance of the early review. The only strategic allocation is at Adastral Park. The officers' recommended site in Felixstowe, which included the appeal site, was rejected in 2008 in favour of a dispersed strategy. It is accepted that Felixstowe and "the Trimleys" are delivering well against the adopted requirement. The FPAAP, due to be adopted this year, is consistent with the CS, is deliverable and well-timed bearing in mind paragraph 4.76 of the CS. If the SoS is satisfied that the Council can demonstrate a 5 year supply there is no evidential basis for allowing the appeal.

Housing land supply

1. The agreed base date is 1 April 2016 and the best evidence of housing land supply is that the requirement figure is 7,900 which is an up to date development plan figure. The appropriate buffer is 5%. The annual requirement with a 5% buffer applied, and using the Sedgefield method to address historic undersupply is 651 giving a 5 year requirement of 3,254. The available supply, as of 1 April 2016, is 3,757 dwellings which is a 5.8 year supply. If all the disputed sites are removed it becomes a 5.3 year supply.
2. The supply is the result of a positive plan led commitment to boosting the supply since the CS was adopted. At that time the supply was 3.7 years. SCDC's approach to planning applications has improved supply considerably.

The biggest boost to supply is the allocations in the Allocations Plan and the FPAAP. These plans are being examined and are due for adoption shortly. The issues between the parties are (i) the requirement figure and whether the CS figure should be replaced; (ii) the buffer; (iii) whether it is legitimate to use the August 2016 update; and (iv) the available supply for which the difference between the parties is just 286 dwellings.

The requirement

3. The starting point is the development plan. CS Policy SP2 sets out a requirement of 7,900 dwellings. The examination of this was informed by an assessment of the FOAHN figure for SCDC of 11,000. The 7,900 figure is not derived from an analysis based on paragraph 47 of the Framework and its adoption was only possible due to a commitment to an early review of the CS. That review was due to start by 2015 at the latest. However, failure to

meet that date does not make the figure out of date for the purposes of assessing land supply.

4. The appellant contends that the 7,900 figure should be replaced by an untested assessment of need on publication of the Options and Issues paper; an untenable contention. The figure of 7,900 was clearly the figure to be used until the review is adopted. The CS does not say what happens in the event that the 2015 deadline is not met. If the Council was to delay an early review then 7,900 would, arguably, be out of date. A number of steps are necessary to replace the 7,900 figure; an estimate of housing need based on projections for this District only could not meet the paragraph 47 requirement.
5. The first task for a decision maker, therefore, is to assess whether the Council is on track to adopt an early review. Objectively, the review is due to be adopted in late 2019. Since the review of the Plan is due 6 years after adoption and 7 years before the end of the 17 year plan period, this clearly meets the burden of the policy requirement to conduct an early review. The review is being carried out 2 years earlier than would normally be expected.
6. The Inspector in the Framlingham case did not have the benefit of the information now before this inquiry and so he failed to grapple with these arguments. The information concerning joint working with neighbouring authorities and the range of material considerations since that decision are set out in Document ID13.
7. Concerning the appellant's contention that 7,900 is out of date because the Council said, in policy, that it would do something and then did not, this pays no regard to the proper approach to the interpretation of the CS or its objectives. The Dacorum case, relied upon by the appellant, is not comparable to the present situation as that relates to a concession by an advocate to a hypothetical situation.
8. There is no authority to support the contention that the Inspector/ SoS is required to reach a judgement on the FOAHN in this appeal. While the SoS is entitled to adopt another figure as a requirement figure in this case, there are many reasons for not doing so. Unlike West Berkshire, this is a post-Framework plan adopted in order to provide a plan led approach to the delivery of growth. The technical complexity of the appellant's evidence should not blind anybody to their inherent weaknesses. They cannot replace the HMA assessment required for paragraph 47. They vary considerably and have not been the subject of consultation, independent examination or other form of independent testing. They do not include the starting point of the 2014 household projections which suggest needs of 8,900 dwellings – a lower level of growth. There is therefore no reason to replace the 7,900 figure.

The buffer

9. The appellant claims persistent under-delivery such that a 20% buffer should be applied. SCDC's case is that there is no basis for this finding and points to the recent and significant increase in delivery such that the undersupply is now in retreat. In the last year, completions exceeded the requirement by 99 dwellings and information from developers is that these higher rates are expected to continue.
10. SCDC points to the recent improvements in delivery and to recognise the reasons for the historic undersupply as recognised in paragraph 2.06 of the CS. The Council's estimate of supply against delivery is that there remains a 5 year supply even if the 20% buffer is applied, as set out in Document ID28 (Table 3).

The "August update"

11. The appellant's response to this and the September Position Statement is both wrong in principle and ironic. The reasons for the August update are set out in the inside cover and are further explained in paragraph 1 of the Position Statement to the Examining Inspector

dated September 2016. SCDC has not updated the base date and there is no intention to rely on sources of supply which qualify for inclusion post 1 April 2016. The benefits alluded to in paragraph 51 of the Staunton Decision are realised in this way while the problems do not arise.

12. SCDC relies only on the August update insofar as it provides better evidence than was available in June as to the sources of supply that ought to be included in an assessment of supply as at 1 April 2016. The appellant puts no reliance on it at all, despite it increasing some figures while reducing others. The net effect raised the bottom line from 4.8 years to 5.3 years (5% buffer).
13. The appellant's position is ironic bearing in mind the process that the witnesses underwent in a collaborative fashion. As the August update provides better evidence of supply at 1 April 2016 there should be no objection to reliance upon that evidence. While the September Position Statement might have been phrased more fully/ clearly there is no inconsistency and nothing in the appellant's point.

Sources of supply

14. The issue is whether some of the sources of supply referred to by the Council are genuinely deliverable in the sums and at the time set out in the trajectory. SCDC has taken a conservative approach. The June assessment may have been too conservative, hence the August update which was prepared as a response to the Examining Inspector. The conservative approach is seen by the fact that the Framlingham and Leiston Neighbourhood Plans are at a relatively advanced stage and both provide further housing but are not relied upon for the land supply figures.
15. Overall, SCDC's assessment remains conservative but the best evidence is that whether the 5% or 20% buffer is applied, it can demonstrate a five-year housing land supply.

Landscape Character

1. SCDC's witness judged the effect of the development on landscape character to be major adverse even at year 15. This is a permanent loss of landscape resource in the valley of the River Deben, recognised as being "particularly significant" in CS Policy SP15. This is not a policy for the supply of housing and so carries full weight. No enhancements are claimed for this site. It is accepted that the proposals would cause material harm to the landscape.
2. Candlet Road forms a strong and well wooded boundary to the settlement along the ridge line of the plateau, the land gently falling away to the north towards the River Deben. The edge of the AONB is just 300m to the north. The effect of the LCT is moderate adverse at year 15; the intrusion into the landscape is cautioned against in the SCC Guidelines. While the effect on the AONB is relatively minor, it carries significant weight due to the national importance of AONBs. That is agreed.
3. There are only limited differences in the assessments of the landscape witnesses. The LVIA is recognised to be a robust document subject to the corrections and comments by the Council. The degree of harm to landscape character and visual amenity as identified by the witnesses demonstrate the relatively narrow degree of difference on professional judgement and the fact that the impact on all receptors is adverse. There is no compensating landscape feature introduced by the scheme. The appellant has introduced a novel category of impact (major neutral) and describing the impact on the landscape resource of the site as temporary. The assessment of the impact on footpaths through the site should be kept distinct from the visual impact assessment.
4. The landscape impact involves Grade 1 and 2 soils and extensive stretches of rural footpaths. The appellant's case is based upon there being a need for 560 dwellings to be provided in the countryside so has adopted a less than neutral stance on the impact. The appellant emphasises that the impact is localised, but the scale of the development makes the localised area extensive in itself. The receptors around it are judged to have a high

sensitivity to change as evidenced by the Council and a local resident. This may explain the difference between the opinions of the witnesses as to the acceptability of the development in landscape terms.

5. In comparison to the status quo, the northern and western boundaries, as shown on the Illustrative Masterplan, would be weak. It would introduce a new built up area in the countryside, divorced from the existing settlement. The settlement is now hidden from Gulpher Lane, a Quiet Lane, and from the footpaths through Grove Wood and beyond. The harm is sufficient to conflict with CS Policy SP15 and weighs heavily against the proposals in the balance.
6. The appellant's reliance on a 2008 Officers' report as part of the early stage preparation for the CS is surprising given its age and context and so can be given very little weight. It was prepared on the basis that Felixstowe should make a strategic release of land rather than the dispersed strategy now adopted. This site is not exactly the same as that now under consideration; it says that the land to the east of Gulpher Road (where this appeal site lies) is more sensitive and shows a lower capacity to absorb development than the land to the west (which is outside the current site).

Sustainable development

1. The development is not sustainable. It represents an ad hoc release of land which is strategic in scale and significantly harmful in its effect on local landscape and the setting of Felixstowe. The appellant acknowledges that the proposals will inevitably cause some harm in landscape character and visual amenity terms and that there are no significant environmental benefits other than potential biodiversity enhancements within the site. It fails to accord with the development plan and does not meet the environmental dimension of sustainable development.
2. The offence it causes to the plan led system is further support for this conclusion as land in Felixstowe is coming forward to meet the requirements of the CS and promote the development plan strategy for growth. This involves a range of sites abutting the built up area in an organic and evolutionary way. Consultation on the LP Review will commence in spring 2017 in the context of an assessment of the FOAHN within the HMA to be published by December 2016. This is the sustainable way to plan for growth in Felixstowe.

The planning balance

1. It is not suggested by the appellant that if the development plan carries full weight in this decision permission should be granted. It is implicit that there are no material considerations which indicate otherwise in the event of a planned decision. The need for balance arises, therefore, if the SoS finds that there is no five-year housing land supply. This would require the tilted balance as set out in paragraph 14 of the Framework. It still remains necessary to weigh the benefits and the development plan policies.
2. The benefits consideration must include the question of delivery and the contribution the site can make to address the current shortfall. Applications by developers are often supported by evidence demonstrating delivery within 5 years. This is different in that the site is owned by individuals and that the appellant has a promotion agreement which involves seeking planning permission. This has also involved participation in the FPAAP process such that the site is an omission site. Letters from house builders, submitted during the Inquiry, indicate commercial interest in developing the site. There is very limited evidence of interest in delivering the other components including the assisted living units and the extra care facility.
3. The appellant's estimate of 200-300 dwellings in the five year period sounds optimistic bearing in mind the number and range of matters to be resolved including archaeology, the TRO and off-site highway works. The five year period would overlap with the period in which the CS Review is consulted upon and adopted.

4. Nevertheless the benefits of housing and affordable housing are recognised regardless of the delivery timescale. There are social and economic benefits that are also recognised and their weight should be in proportion to the undersupply and the extent of their ability to address undersupply. Only by doing that will the paragraph 47 objective of boosting the supply of housing be met. It is acknowledged that one of the Council's witnesses conceded that the balance of benefits and harm favoured the grant of permission but that needs to be seen in the light of later evidence concerning the timing of delivery which, in the Council's opinion, reduces the weight that can be given to the benefits.

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1. SCC concluded that provided all the proposed conditions as set out in the SoCGs are imposed on any outline planning permission, and that such permission is the subject of all planning obligations as agreed between SCC and the appellant being secured through a UU, then SCC is content that the appeal be allowed.
2. Consistently with the SoCGs formulated before and during the Inquiry, and subject to the imposition of the various conditions, SCC is content that its objections on drainage/ flood risk; archaeology; and highways/ transportation will be satisfactorily met. The evidence on drainage/ flood risk and archaeology has not been challenged either in advance of or at the Inquiry so the case for imposing the conditions is unimpeachable. Indeed the SCC's case has not changed an inch since proofs were exchanged save a short erratum on education matters.
3. The appellant withdrew all evidence on highways that had been relied on and left as an area of disagreement in the first SoCG (public rights of way contribution and travel plan implementation bond). It withdrew its evidence on education. Consequently there is no evidence before the SoS even inviting any departure from the imposition of all planning conditions and obligations.
4. Concerning education, the development would give rise to a demonstrable need for a contribution towards a new primary school, whether provided locally or onsite. The single concern of SCDC relates to the propriety/ competency of reserving the 2.06ha primary school site. In this the SCDC case is lacking in evidence and is, in any event, misconceived not least in misunderstanding what the reservation of land, as per the UU, would signify in planning terms. There is no mention in the SCDC note on Education (Document ID30) of the opportunity given at the Inquiry to challenge or undermine any part of the SCC case on education or, more generally, on CIL compliance.
5. The scheme, if approved, would not include the grant of planning permission for a school. It simply reserves land allowing a future planning application for, and delivery of, a school. Once reserved, and until required by SCC, the land would remain as accessible public open space. SCDC's view that the reservation of the land would transform its planning status is flawed. It would not. It follows that CIL is not engaged by reservation of the land. If SCDC had any queries in this regard the SCC witness could have been called to answer questions.
6. SCDC does not challenge the appropriateness of the reservation in planning terms. There is clear justification for the reservation of the land while giving SCC flexibility as to whether on-site provision is the most appropriate way forward. SCC cannot crystal-gaze as to the future. In the alternative, education infrastructure contributions are appropriately sought and these are CIL-compliant. SCC has justified them and this evidence was unchallenged. With regard to SCDC's belated attempt at expressing concern, it has presented no evidence. SCC is the education authority; it has not frozen SCDC out of the discussions. It does not prevent SCDC from adducing its own evidence but that Council has chosen not to do so.

Oral Representations made at the Inquiry against the proposals

1. **Guy Pearse** spoke on behalf of the 240 members of the **Felixstowe Society of Allotment & Leisure Gardeners**. Their concerns relate to the loss of tranquillity and loss of security in respect of the Candlet Road allotments which abut the appeal site on two sides. The site is not well connected to the town and there are concerns about the traffic implications of the new junction. The Walton Green development was not included in the modelling. While the re-provision of the lay-bys is welcome that on the west-bound side is close to the roundabout while there is not room for the one on the east-bound side. It would be more dangerous to use. The proposed footway/ cycleway touches the boundary of the allotments so there would be a need for a retaining wall which could have an unfortunate visual impact. There is a need for better security fencing and gates to protect the allotments.
2. **Robin Whittle** spoke on behalf of the 700 members of the **River Deben Association**, of which he is the Chair, and whose aims are set out in Document ID12. The Deben Estuary Plan (Document ID19) is a material consideration and it includes land around this site. Objectives of the Plan include safeguarding the estuary from new development and conserving the landscape, natural environment and heritage. Opportunities to enhance them should be taken and the estuary landscape should be safeguarded from the visual intrusion of modern development. The importance of the tranquillity of the area is recognised as an important part of the character of the estuary as is the geodiversity.
3. **Kimberley Williams** has been a Town Councillor for Walton for 6 years and lives in Gulpher Road, in a house overlooking the site. She had received dispensation from the Council to address the Inquiry. She stated that Gulpher Road is a popular Quiet Lane that is well used by locals. She was concerned that a five-year housing land supply is not relevant as this is a lengthy process. The vacuum arising from the review having started late, resulting in the Framework taking precedence, is partly due to central Government cut-backs. This should not lead to a loss of weight to the local plan as this has been drawn up by a democratically elected body. It is necessary to consider the economic climate in which the targets were missed.
4. Great weight should be given to the loss of tranquillity for the allotment holders and the impact on the Deben Estuary. The planning permissions for housing at Ferry Road and north Walton will result in traffic congestion and infrastructure issues. The benefits will not outweigh the harm. Much of the site will be developed; more if the school is provided. The harm is not localised and it will result in the loss of a vitally important site and cause a significant loss of amenity. The development would not be well related to the town.

Written Representations against the proposals

1. **Dr Therese Coffey MP** asks that the District Council's decision be upheld. The site forms an important part of the green fields around Felixstowe with Candlet Road as a physical barrier between the built environment and the open countryside. This development would infringe that barrier detracting from the beauty of the countryside and broadening the size of the town. There is no overriding need for housing in this location as other sites have been put forward in Felixstowe. This is not a sustainable location. This is in conflict with the Local Plan and the Framework.
2. **Felixstowe Town Council** recommended that the appeal be dismissed. The proposals are contrary to the Local Plan and the underlying policies in the Framework. The Council's housing requirement can be met from sites already identified. These proposals are contrary to CS Policies SP1A, SP19, SP21 and SP29. The Council has demonstrated a full five-year housing land supply and since then further planning permissions have been granted. The emerging FPAAP has been subject to widespread consultation; the Town Council has been closely involved in that process and endorsed the final Preferred Options

draft. The FPAAP demonstrates that the housing numbers required can be delivered within the plan period.

3. The appellant seeks to put forward a requirement in excess of the CS. The Local Plan Inspector endorsed the CS requirement for 7,900 dwellings, not the 11,000 which is identified as being the longer term need. The Council has commenced its review as required. The Council's approach should not be preempted by a piecemeal approach conceived in isolation. The proposal extends development across a clearly defined boundary, Candlet Road.
4. Concerning specific policies, CS Policy SP1 is contravened as the site is in conflict with SP1 a, c, d, k and l. It does not represent a sustainable form of development. It fails to contribute to the balance between employment,

housing growth and environmental capacity; fails to contribute to appropriate infrastructure; fails to demonstrate that it maintains or enhances a sense of place; and fails to demonstrate that it would create or promote the inclusive urban community that Felixstowe possesses. Concerning Policies SP19, SP21 and SP29 it is not contested that the site lies outside the existing settlement boundary and in the countryside. Emerging policy provides the required housing elsewhere. It does not comprise the necessary organic and evolutionary growth immediately abutting the existing built up area while the CS seeks to resist new development in the countryside.

5. There would be further conflict with saved Policy AP 28 as the site makes a positive contribution to the setting of Felixstowe. In the absence of a demonstrable need for additional allocations at the present time it should be properly resisted. The FPAAP is in the final stages of preparation and it demonstrates that the required housing can be achieved without a major departure from policy. The proposals would be in conflict with proposals for a link road as it would result in a second interference with the free flow of traffic within a short distance on Candlet Road. There is now a five-year housing land supply and the proposals conflict with the CS. It is for future process of local plan evolution to consider any replacement of current policy.
6. **Cllr Mike Deacon**, Town and District Councillor whose ward includes the appeal site strongly opposed the application and endorsed the representations of Felixstowe Town Council.
7. **Mrs Carol Florey** says that her objections to the planning application still stand. There are further objections based on support for the FPAAP which is at the preferred options stage. A target of 1,760 houses has been set, all within the settlement boundary as defined by Candlet Road. This boundary allows the necessary housing while maintaining areas of outstanding beauty, the countryside and prime agricultural land where possible. This proposal significantly intrudes into and would impact upon these areas. The housing requirement can be met without this site.
8. **Julie Cornforth** says that the land is at risk from flooding from rivers and the sea. Press reports have identified that building houses in flood risk areas is a recipe for disaster. The agricultural land is Grade 1; the best. Gulpher Road is the last remaining country lane and accessible natural green space in Walton/ Felixstowe and is much loved and enjoyed by residents for recreational purposes. Once this Quiet Lane is gone there is no countryside left at all.
9. In respect of the original planning application there were **93 letters of objection** to the development **from third parties**. These objections covered a wide range of issues including:
 1. More appropriate sites within the area of development and other areas are available
 2. High quality landscape character
 3. Existing infrastructure is unable to cope

4. Will decimate wildlife at the Grove
5. Will lose high quality agricultural land
6. Loss of livery
7. Will set a precedent
8. Increase in traffic
9. Loss of important area used by residents of Felixstowe
10. Brownfield sites are available
11. Will have a negative impact on the AONB
12. Loss of lay-by used by nearby allotment holders
13. No need for market housing of this kind in the town
14. There is a five-year land supply in Felixstowe and surrounding villages
15. Land being kept in its current form outweighs the benefits
16. Candlet Road is a natural barrier – a gateway to the countryside
17. Gulpher Road is a designated Quiet Lane

Conditions

106. Several lists of suggested conditions were submitted during the Inquiry by the District Council (Document ID27), the County Council (Document ID23) and as appendices to various SoCGs. These were discussed at a round table session during the Inquiry. A composite list of conditions, as amended at the Inquiry and agreed by the principal parties, was submitted by the District Council following the close of the Inquiry (Document PID2).

Unilateral Undertaking

1. During the Inquiry the appellant submitted a draft UU (Document ID26) which was discussed at a round table session during the Inquiry. The UU makes provision for financial contributions towards bus stops either side of Grove Road, Felixstowe, for upgrading various public footpaths, the making of a Traffic Regulation Order in respect of the speed limit in Candlet Road; affordable housing; on-site open space provision and maintenance; education provisions including a pre-school contribution, a pre-school site, a primary school contribution and either a primary school site or a primary school land contribution; travel plans including a travel plan implementation bond. The District Council expressed concern about the validity of the primary school site forming part of the UU as this did not form part of the planning application (Document ID30).
2. A signed and dated version of the UU (Document PID1) was submitted after the close of the Inquiry in accordance with an agreed timetable.

Inspector's Conclusions

109. The following considerations are based upon the evidence given at the Inquiry, the written submissions and my inspections of the site and surrounding area. In this section the numbers in square brackets [] refer to paragraphs in the preceding sections of this Report.

Proposals and plans [3, 4, 22-25]

1. The application is in outline form with all matters other than means of access to the site reserved for future consideration. The proposals include the construction of a maximum of 560 dwellings, a community centre, a 60 bedroom extra care home, 50 assisted living units, 2 small business units and open space with associated infrastructure. In accordance with CS Policy DM2, 33% of the housing would comprise affordable housing units.
2. An amended site location plan was submitted to the Inquiry (Drawing No YOR.2258_036.A; produced in the supplemental proof of Richard Brown (Document CLE6: Plan 4)). This

reduces the size of the site and involves no additional land outside the original site boundary. No objections were raised to the amended plan being substituted for that submitted with the original application. I am satisfied that no interests would be prejudiced by this and have based my recommendations on this amended plan.

3. An Illustrative Masterplan has been submitted which is indicative only. Full details of the development would need to be the subject of conditions requiring that they be submitted to the Local Planning Authority for its approval at a later date. The proposals include a number of off-site highway works which are set out in detail in the SoCG on Highway and Transport Matters (Document GEN3) and the Addendum SoCG on Transport Matters (Document ID24). These have all been agreed by the County Council as Highway Authority.

Planning Policy [14-21]

1. The parties agree that the development plan comprises the Suffolk Coastal Local Plan Core Strategy and Development Management Policies (adopted 5 July 2013) (the CS) and the saved policies in the Suffolk Coastal District-wide Local Plan (incorporating First and Second Alterations) (Local Plan) that were not superseded by the adoption of the CS in 2013. The emerging plans include the Felixstowe Peninsula Action Area Plan: Proposed Submission Document (April 2016) (FPAAP) and the Site Allocations and Area Specific Policies: Proposed Submission Document (April 2016).
2. The policies in the Local Plan carry limited weight due to their age and the publication of the Framework. The policies in the emerging plans carry only limited weight at present as they are at a relatively early stage in the planmaking process. I have also had regard to the Framework and in particular to the paragraphs that relate to housing land supply, the countryside, landscape and sustainable development. Also relevant is Planning Practice Guidance (PPG).

Main issues [5-7, 26, 27]

1. SCDC did not defend reasons for refusal Nos. 3, 4, 5 and 6 as the main parties agreed that these matters could all be dealt with by agreement. Various SoCGs were submitted before and during the Inquiry. They also agreed that any outstanding requirements relating to these matters could be secured either through the use of planning conditions or by Agreement. The issue of how the education and early years matters could be resolved remained a live issue between the appellant and SCDC although agreement was reached between the appellant and SCC on this issue.

2. The main issues are :

1. Whether the Council is able to demonstrate a 5-year supply of housing against a FOAHN and the implications of this in terms of national and local policy;
2. The effect of the proposals on the landscape character of the area;
3. Whether the proposals comprise sustainable development as defined in the Framework;
4. Whether the proposals make adequate provision for community and other services and facilities including affordable housing, education, libraries, play and sports space and open space management; and
5. Whether the benefits of the development are sufficient to outweigh any identified harm (the Planning Balance).

Whether the Council is able to demonstrate a 5-year supply of housing against a FOAHN and the implications of this in terms of national and local policy [29-38, 59, 60-74, 95-99, 101, 103, 105]

1. Paragraph 47 of the Framework says that local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5 or 20%

depending on past delivery. This must be applied having regard to the Government's view as to what constitutes sustainable development and to the context of this paragraph which is to boost significantly the supply of housing.

2. There is disagreement between the main parties concerning whether the Council can demonstrate a five-year housing land supply. In a joint Revised Position Statement submitted to the Inquiry (Document ID28) the Council's position was that it had a housing land supply of 5.8 years. The appellant considered it to be 1.3 to 2 years. In addition, there was further disagreement as to how CS Policy SP2 should be interpreted.
3. Concerning the requirement, I will consider CS Policy SP2 first and then consider the housing land supply as these are directly related. I shall also look at the necessary buffer; sources of supply that were in dispute; and then the August update and September Position Statement.

The requirement [29-35, 62-67]

4. The CS says, at Policy SP2, that the Council will make provision for at least 7,900 new homes across the District in the period 2010 to 2027. This figure is based on the revoked Regional Spatial Strategy (2008) and is not the up to date FOAHN for the District. Paragraph 3.27 of the CS explains that the forecast model commissioned from Oxford Economics identified a total housing need for

the District for the period 2010 to 2027 of 11,000 new homes. It says that this is the FOAHN as required by paragraph 159 of the Framework.

5. There is a requirement in paragraph 47 of the Framework that local planning authorities should ensure that their local plan "...meets the full, objectively assessed needs for market and affordable housing in the housing market area...". The hearings for the CS Examination were held in late 2012. The Inspector, in his Report, concluded that 11,000 new dwellings should be taken as the FOAHN for the period 2010-2027 as being the "...best available estimate of need at this point..." (Document CD E5; paragraph 48). To avoid delay in having a plan in place the Council proceeded on the basis of the 7,900 figure, incorporating a proposal to review the housing requirements by 2015. The Inspector concluded that an "...early review would be preferable to the alternative of suspension and likely withdrawal of the plan..." (paragraph 53). The Council recognises that adoption of the CS was only possible due to a commitment to an early review of the plan.
6. SCDC promoted the CS on the basis of providing 7,900 new homes over that period. It was recognised that this figure is not based on an assessment of the FOAHN for the district; it is not derived from an analysis under paragraph 47 of the Framework. It is artificially low. Nonetheless, that is the figure that appears in CS Policy SP2. After setting out the requirement, the Policy goes on to say that an early review of the CS will be undertaken "commencing with the publication of an Issues and Options Report by 2015 at the latest". This was one of the main modifications to the Plan as set out by the Inspector in the Appendices to his Report. It was in the context of these modifications that he found the overall level of housing provision to be justified and appropriate.
7. That review has not yet commenced. The Inspector in the Framlingham Inquiry (Document CD F7) was advised in early 2016 that the Options and Issues Report for the review would be published in Autumn 2016; I was advised that Spring 2017 was more likely. The terms of Policy SP2, requiring publication by 2015, have not been met. The Council argued that unless the 7,900 requirement remains in place there would be a policy vacuum. Due to the terms of Policy SP2, and the Council's failure to meet the cited timescale, I do not see how that requirement figure can reasonably remain in place.
8. That was the conclusion of the Inspector in the Framlingham Inquiry. He concluded that not to accept that the requirement of 7,900 dwellings is out of date would be contrary to

the clear message of paragraph 47 of the Framework that local planning authorities should seek to boost significantly the supply of housing. It would also run counter to Dacorum in which it was conceded that if a review had not been carried out in accordance with a paragraph (not a policy) in the CS that Council would not be able to say that the policies for housing in the CS were up to date. That is similar to the case here and I have come to a similar conclusion. The Council has failed to comply with the timescale as set out in Policy SP2 and so the requirement figure in that policy is out of date.

9. Having concluded that the requirement figure in Policy SP2 is out of date, it is necessary to consider whether there are other figures that could reasonably be used to fill the policy vacuum, as it was described by the Council. The CS Examining Inspector was given the figure of 11,000 as being the best estimate of need but this was not achieved as a result of collaborative working with neighbouring authorities. The appellant came up with other estimates based upon the Chelmer Model and using the Sedgfield approach to past under supply. These calculations all produced figures well in excess of 11,000. I acknowledge that these calculations have not been subjected to the rigors of an examination in public but, in conjunction with the figure given to the Examining Inspector, they do indicate that the promised review is likely to result in a significant increase in the Policy SP2 requirement figure.
10. I have taken into account the various factual changes since the Framlingham Decision as listed in Document ID13. These show that progress is being made towards the publication of the Issues and Options consultation document and that other plans such as the FPAAP are emerging. The Council issued a call for sites in September/ October 2016. Housing allocations are being made in Neighbourhood Plans for Leiston and Framlingham but these have not yet been made and so still carry limited weight. However, while these are indications of future intent, the current position remains that no reliance can be placed on the requirement of 7,900 as it is in an out of date policy. A requirement figure in excess of 11,000 seems more realistic.

The buffer [36, 68-69]

11. The Framlingham Inspector noted that the CS Examining Inspector based his conclusion that a 5% buffer was appropriate on evidence that predated the Framlingham Inquiry by about 4 years. That evidence would now be almost 5 years old and so cannot carry much weight today. The Framlingham Inspector concluded that given the persistent under supply of housing against the CS requirement over the first 5 years of the plan period, and other factors, it was “entirely appropriate to apply a 20% buffer to the housing requirement”.
12. The uncontested figures as set out in Table 3 of Mr May’s evidence (Document CLE1; p 25) show that for the five year period 2010/11 to 2014/15 housing completions always fell below the CS annual requirement; it is only in the year 2015/16 that the CS requirement has been exceeded. To be fair to the Council, the completions figures for the three years to 2015/16 have shown an upward curve and the expectation, based upon starts and information from house builders, is that the requirement will be exceeded again in 2016/17.
13. As stated above, however, the CS requirement figure of 465 dwellings per year is based upon a requirement figure of 7,900. It is therefore artificially low and not based upon a FOAHN, the best estimate for which at the time of the CS Examination was 11,000 dwellings. That would give a requirement of 647, well above the completion figure for 2015/16 and above every year’s housing completion figure since 2007/08. In all these circumstances I conclude that the

Council has a record of persistent under delivery of housing and so a buffer of 20% is appropriate. *Supply [37, 38, 70-74]*

14. The SoCG on Housing Requirement and Five Year Housing Land Supply (Document ID1) set out a summary of the parties' positions. The Council acknowledged that there is an arithmetic error in the Housing Land Supply figures published on 20 June 2016 and set out in Table 1 (page 7) of the SoCG. The figures in the first two rows (planning permissions not started and planning permissions under construction) are incorrect. The correct figures are used in

Table 2 (page 8) and result in a reduction in the Council's calculation of the five year housing land supply from 6.3 years to 5.4 years (with a 5% buffer) or from 5.5 years to 4.7 years (20% buffer). The final table in the SoCG sets out the Council's position taking account of its "August update" published on 30 August 2016.

15. These tables were subsequently amended before the close of the Inquiry by the submission of a position statement "Revised Positions on the 5 year Supply of Deliverable Sites" (Document ID28). This sets out various deductions in the supply side such that the difference between the parties is reduced to 286 dwellings. The reductions in supply that are agreed by the Council reduce the supply of sites with planning permission (Row 1 of Table 2) from 1,897 to 1,836 dwellings; windfalls (Row 3) from 200 to 150; and the Adastral Park contribution (Row 4) from 375 to 350. This reduces the supply position from 5.4 years to 5.2 years (5% buffer) or 4.7 years to 4.6 years (20% buffer).
16. The appellant considered that further reductions were appropriate such that the supply was less than 5 years even with a 5% buffer. These included Adastral Park where only 165 dwellings were anticipated within the 5 year period and a reduced windfall allowance.
17. The Council sought to increase the level of supply by submitting a revised Housing Land Supply Assessment (August 2016) (the August Update) (Document CD G19). This document incorporates the reduction in supply arising from the arithmetical correction and was produced in response to a question raised by the Local Plan Inspector. It also increased supply by including sites not identified in the June 2016 Housing Land Supply figures as there had been material changes since 1 April 2016 such that these sites were now considered to be part of the supply figures. There are a variety of reasons for bringing the sites forward, including the conclusion of a legal challenge to one decision and permission being granted on appeal on another site.
18. I am concerned about the inclusion of the August Update as it is not a full review of the 5 year position. The base date remains at 1 April 2016 and the revised figures include sites that only qualified for inclusion after that date. In a Post Hearing Statement (September 2016) (development CD G21) in respect of the emerging FPAAP the Council says that best practice and recent appeals suggest that if a mid-year review was to be undertaken it should be a full review. That seems fair. A partial review, which includes previously unavailable sites, does not ascertain whether previously available sites are still available or look at any other variables. In respect of an appeal in the Forest of Dean (Document CLE1; Appendix 27) the Inspector concluded that to include any sites that would not have qualified for inclusion at the base date would serve to make the whole exercise unreliable. That is a reasonable conclusion.
19. I am not convinced that it would be fair to increase the supply side in accordance with the August Update without looking at any other changes to the assessment. It would result in a skewed assessment and so I have not taken it into account. I consider that the June position, adjusted to take account of the arithmetic error and as set out in Table 2 of the position statement (Document ID28) is the most accurate representation of the position.
20. I conclude on this issue that the requirement figure in the CS is out of date by reason of the Council's failure to comply with the provisions of CS Policy SP2.

The requirement figure of 7,900 dwellings was to be the subject of an early review. That review did not commence by 2015 as stipulated in the policy. The only other figure put to the CS

Inspector was a requirement of 11,000. If that figure is used then the Council does not have a five-year housing land supply.

21. If the SoS considers that the requirement figure of 7,900 dwellings remains current then it is necessary to determine what the buffer should be as this has a significant impact on the five-year housing land supply position. In the light of all the evidence I have concluded that this should be 20% due to the Council's persistent under delivery of housing. In these circumstances, and without any further adjustment to the supply from the identified sites, the Council once again cannot demonstrate a five-year housing land supply. This means that paragraph 49 of the Framework is engaged and the tilted balance, as set out in the second limb of the fourth bullet point of paragraph 14, should be applied.

The effect of the proposals on the landscape character of the area [39-43, 57, 58, 75-80, 93-96, 97, 101, 105]

1. The planning application was accompanied by a LVIA (Document CD A9) whose methodology and principal conclusions were not seriously challenged at the Inquiry. While there were a few differences of opinion between the expert witnesses, these were relatively minor and were confined to judgements about the severity of the likely impact of the proposals. Based upon the evidence at the Inquiry, the written representations and my accompanied and unaccompanied site visits, I broadly agree with the LVIA's conclusions.
2. The harm to the landscape character that would arise from the proposals would relate to both its intrusion into the countryside and its visual impact. In terms of intrusion, the site lies in open countryside to the north of Candlet Road. It lies within the valley of the River Deben, one of ten river valleys identified in CS Policy SP15 as being particularly significant. The policy seeks to protect and enhance this character area and as it is not a policy for the supply of housing it carries full weight.
3. Candlet Road is a tree-lined, busy road that forms a clear and well-defined northern boundary between the built up part of Felixstowe/ Walton and the largely undeveloped countryside to the north. It contains the built up area in a clear and logical manner; the boundary is defensible. Apart from the two dwellings on "islands" omitted from the appeal site albeit within the overall site boundary and the commercial units close to Candlet Road, this area to the north of Candlet Road supports countryside uses including horse grazing and stabling, allotments, woodland, playing fields and various agricultural uses.
4. The proposed development would result in an irregularly-shaped residential enclave almost entirely surrounded by countryside uses. Even where the site has a boundary with Candlet Road, the treed nature of the land either side of this road means that it would not relate visually with the residential development to the south. The western boundary would be defined by the Quiet Lane of Gulpher Road, and the eastern boundary by the finger of woodland in Grove Wood, which would provide some degree of containment. However, the northern boundary would be especially weak with just a field between the proposed housing and the northern extent of Gulpher Road.
5. The strong physical and visual boundary of Candlet Road is an important part of the landscape character of the area. The countryside to the north makes a significant and positive contribution to the setting of the settlement. The appeal proposals would harmfully breach that boundary and provide no equivalent boundary between the built up area and the countryside. That would be harmful to the setting of Felixstowe/ Walton and would be in conflict with CS Policy SP15.
6. In terms of its visual impact, this is a large site that lies outside the settlement boundary for Felixstowe/ Walton. It is clear that the proposed development would substantially alter the character and the appearance of the site from being predominantly used for

horse grazing and stabling into a predominantly residential use. That is an inevitable consequence of residential development in the countryside.

7. The development would result in considerable visual harm to the immediate area. Most affected would be users of the public footpath (FP024) that runs adjacent to the western boundary of the allotments and which then runs in an east/ west direction across much of the site. My observations indicate that this path is not especially well used as the grass is not worn down and the fact that it crosses a few small fields occupied by horses would deter some walkers. Also significantly affected would be the users of Gulpher Road, a Quiet Lane that forms the western boundary of the site. This harm is reduced by the presence of the existing buildings at Cowpasture Farm and the former golf driving range, as well as its car park that is in use for caravan storage.
8. The harms identified by SCDC are set out on Drawing YOR.2258.038 (Document ID3) which demonstrates just how localised the harms are. There would be views of the site from footpaths FP028, 020 and 005 when travelling towards the site and from bridleway BR027. Views to the east from the eastern end of this, close to Gulpher Road, would be particularly affected and there would be considerable harm. However, such views are over relatively short distances and the footpath network extends further into the countryside.
9. I consider that the parties have underestimated the impact of the proposals on users of FP057 which runs through Grove Wood to the east of the site. This is a tranquil woodland path. The Illustrative Masterplan shows planting within the site close to that eastern boundary but nonetheless the proposals would bring residential development, including an access road, quite close to the path. While views of the houses would be filtered by existing and proposed trees, the presence of housing, with its associated noise and activity, and a road in proximity to the path would be significantly harmful to its character.
10. Further afield lies the AONB which is, at its closest point, about 300m distant. The main views of the site, however, are from public footpaths and are rather more distant, being 1 to 1.5km away. I visited all the identified viewpoints and found that in many of these views the glimpses of the site are quite fleeting, being through openings in hedges into fields. While the housing on the site would be visible it would not dominate what are generally quite extensive panoramic views. Existing trees and hedges screen or filter views of the site and future planting would further reduce any visual impact.
11. Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in AONBs. In this case the impact is on views out from the AONB; there would be no harm to the fabric of the AONB itself. Due to the distance of these viewpoints from the appeal site and the fleeting nature of many of the views, the harm would be very limited indeed.
12. The proposals would also alter the character of the allotments as the housing would be close to its western and northern boundaries. While there is significant traffic noise from Candlet Road, the impact of this reduces towards the north of the allotments. There is also likely to be some noise from the use of the business units, stables and maneges but it is likely that the houses would generate additional noise from vehicles and general domestic activities.
13. There would be a loss of outlook for the occupiers of a number of houses in and around Gulpher Road, but these are private views and the housing would not be so close or intrusive as to be overbearing or dominating.
14. I conclude on this issue that there would be some harm to the setting of Felixstowe/ Walton and harm to the character of the countryside. Although the site is large, the extent of the harm would be limited and highly localised. In cross examination the Council's planning witness agreed that if paragraph 14 of the Framework is engaged, then the harm does not significantly and demonstrably outweigh the benefits of permitting development.

It is, nonetheless, not in dispute is that there is some harm to the landscape character of the area, including views from the AONB, and that there is conflict with the development plan. In particular, there is conflict with CS Policies SP15, SP19, SP21 and SP29. The weight that can be given to these policies is set out in the planning balance.

Whether the proposals comprise sustainable development as defined in the Framework [44-46, 81-82, 93, 96-97, 100, 105]

1. The Framework says that the policies within it as a whole constitute the Government's view of what sustainable development means in practice. Paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 says that these roles must not be undertaken in isolation and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is therefore necessary to balance the economic, social and environmental dimensions of this development.
2. In economic terms, the benefits of providing housing are not in dispute. It would provide employment during construction and future residents would be likely to use local shops and other businesses which would ensure that such facilities remain viable. There is also an immediate need for more housing in the area and there is no identified five-year housing land supply. However, the CS goes further in that it states that the growth of jobs in Felixstowe, driven by the expansion of the Port, means that employment is now out of balance with the availability of housing.
3. The Officers' report to Committee recognised this as an economic benefit of the proposals. It cites the Draft Strategic Economic Plan produced by the LEP which recognised the importance of housing development in the LEP area. New housing is considered vital to an attractive housing market: the pace of development needs to be increased. It says that this is needed to stimulate economic growth and create both short term and long term employment.
4. The Report also sets out that the LEP advises that the economic value of each new home in New Anglia, based upon a calculation that without an addition of 100,000 dwellings to the housing stock the economy of the LEP area would underperform by about £3.7bn in 2026, would be £36,700. This site, therefore, could generate £20,552,000 of economic value.
5. The social dimension includes the provision of up to 560 dwellings in an area where there is a shortfall of provision and no five-year housing land supply. The mix of market (373) and affordable homes (187) would fully accord with the requirements of CS Policy DM2. The need for affordable housing is set out in the SHMA; the completion rate in 2013/14 was just 17. The site is in an accessible location within walking distance of shops and other facilities in Walton. Improved access across Candlet Road forms part of the package of offsite highway works. There are bus stops nearby and Felixstowe station is in walking distance. The community facility, if provided, would be a benefit. However, as there is no mechanism to ensure its provision, it cannot carry weight in the balance.
6. In environmental terms there would undoubtedly be harm arising from the loss of a green field site. While that is inevitable for any development in the countryside, it nonetheless weighs against the proposals. There is also some harm to views out from the AONB. This carries limited weight due to the distance involved and the presence of existing trees and hedges which restrict such views. I have identified that the environmental harm is limited and localised and this reduces the weight that it carries.
7. On balance, therefore, while there is some environmental harm this is significantly outweighed by the economic and social benefits of the development. I conclude that the proposals comprise sustainable development as defined in the Framework. This weighs in favour of the development.

Whether the proposals make adequate provision for community and other services and facilities including affordable housing, education, libraries, play and sports space and open space management [47-57, 87-92, 105]

1. The various SoCGs that were submitted before and during the Inquiry demonstrate that agreement was reached between the appellant and both SCDC and SCC on most issues. This agreement is subject to the imposition of various conditions and the completion of the UU. I have recommended that the necessary conditions be imposed on any permission granted. The UU has been completed and submitted.
2. The only outstanding issue concerns education. The issue is not between the appellant and the SCC, as education authority, but between the appellant and SCDC and relates to the mechanism for dealing with this matter as advanced by the appellant and as set out in the UU. SCDC's concerns relate to the potential impact of the terms of the UU on the validity of any permission granted. The appellant and SCC have signed the SoCG on Education and Early Years Matters (Document ID25) and SCC is satisfied that the UU is valid and it meets its requirements.
3. The SoCG advises that about 25% of the site lies within the catchment area for Kingsfleet Primary School and that there is insufficient capacity in that school to accommodate the 35 pupils likely to be generated by this development (25% of the total number of pupils likely to be generated by the whole scheme). There is spare capacity at Maidstone Infant School and Causton Junior School to accommodate the remaining 75% of the children. There is therefore a need to expand primary school capacity but SCC has not yet decided how best to make that additional provision. The appellant and SCC have sought to keep their options open by, in effect, providing an either/ or in the UU. Either the appellant cedes a parcel of land to SCC for the construction of a school or, if the school is to be built elsewhere, the appellant would provide a financial contribution.
4. The UU makes provision for the appellant to reserve land of not less than 2.06ha in area in a location within the site as agreed in writing by SCC. The appellant is also covenanted to pay a financial contribution of £725,000 which represents the proportional build cost for the primary school. If SCC notify the appellant that the school is not to be built on the site, then a further financial contribution of £45,302.58 is payable. SCC is wholly in support of these provisions.
5. SCDC (Document ID30) is concerned that if the site is considered to be a sustainable location for a school in the context of this development and other developments in the area then it could (and should) form part of the description of the development so that its benefits and disbenefits can be considered alongside the current proposals. SCDC acknowledges that the UU is enforceable and that the financial contribution meets the CIL tests. The concern is that it has not been shown that it is necessary to reserve land here so the UU cannot be given any weight in the planning decision. The site is considered by SCDC to be poorly located to serve other future developments in the area. There was no evidence before the Inquiry to demonstrate that it is necessary to make this provision on this site.
6. I am not a lawyer, but it seems to me that the UU is fully enforceable and that it makes adequate provision for the primary school children likely to be generated by the development. The UU provides for the reservation of some of the site for a particular purpose should it be needed. This is completely separate from the public process of making and determining a planning application. If SCC opts to build a school on the site then planning permission would be required and a further planning application would have to be made. The determination of that application would give SCDC the opportunity to consider whether this is an appropriate location for a primary school. The UU does not

remove SCDC from this decision making process; it simply provides a locational option that SCC may choose to pursue.

7. I agree with SCDC that the possible future provision of a primary school on part of the site can carry no weight in this appeal decision as it does not form part of the proposals currently under consideration. If SCC chooses to build a school elsewhere then this would trigger the need for financial contributions and the reserved land would continue to be used as public open space (POS) within the site. There is no issue concerning the reservation of land indicated as being POS on the Illustrative Masterplan in terms of the quantum of such provision within the development as SCDC agrees that even without this land the amount of POS exceeds that required for this development.
8. I conclude on this issue that subject to the imposition of various conditions as identified in the SoCGs and the submitted UU that the proposals make adequate provision for community and other services and facilities. This is in accordance with the development plan, and in particular CS Policies SP16 (Sport and Play), SP17 (Green Space) and SP18 (Infrastructure); the CIL Regulations; and paragraph 204 of the Framework.

Conditions [87, 89, 106]

1. If the SoS is minded to allow the appeal I recommend that conditions 1 – 31 (inclusive) as set out in the Annex to this Report be imposed on any permission granted. These conditions were discussed at the Inquiry and an agreed list, amended to take account of the round table discussion at the Inquiry, submitted following the close of the Inquiry. In addition to the standard outline planning permission conditions it is recommended that the plans are identified for the avoidance of doubt as the site boundary was amended during the Inquiry and that phases of development are identified at the outset to avoid future doubt.
2. Further conditions are required in respect of refuse/recycling facilities, noise attenuation measures and contamination in the interests of the living conditions of future residents. Details of foul and surface water drainage are necessary as no such details have been submitted; for the avoidance of flood risk; to ensure that sustainable drainage principles are employed; and to protect ground water supplies. Piling needs to be controlled to protect groundwater. Energy efficiency measures need to be identified and approved in the interests of sustainable development.
3. Construction and Dust Management Plans are necessary in the interests of highway safety and to protect the amenities of adjoining residents and allotment holders. A landscaping scheme, together with details of future management, needs to be submitted and implemented in the interests of the visual amenities of the area. Details of external lighting need to be submitted and approved for the same reason. A programme of archaeological investigation is necessary in order to advance understanding of heritage assets which otherwise may be lost.
4. Details of estate roads and footpaths, including the timing of their provision, together with details of visibility splays need to be approved in the interests of highway safety and to protect the living conditions of future residents. Details of parking facilities, including the storage of bicycles, need to be provided and the approved facilities retained in the interests of highway safety and the living conditions of future residents. The footway/cycleway along Candlet Road and the zebra crossing on the High Street need to be provided in the interests of the living conditions of future residents and to promote sustainable forms of travel.

Unilateral Undertaking [87-92, 107-108]

1. The UU was submitted by the appellant and covers the matters set out in paragraph 107 (above). As set out in paragraphs 87-92 (above) SCC is content with its provisions subject to various planning conditions. The only issue between SCDC and the appellant concerns

primary school provision in the area and whether the inclusion of land reserved for this purpose should have formed part of the planning application. There is no dispute concerning the legality or enforceability of the UU or the financial contributions that would be payable. I

have already concluded that, in my opinion, the UU is worded in such a way that SCDC still have absolute control over where a future primary school would be located as it would need separate planning permission. I have also concluded that as the school does not form part of these proposals its provision on the site cannot weigh rather for or against the proposals.

2. Overall, however, the UU secures benefits not only for future residents of the site but also for other residents and businesses in the area. I would point out, however, that the provision of the proposed business units and community centre are not secured by this Undertaking.

The Planning Balance

1. The starting point in the planning balance is whether SCDC can demonstrate a five-year housing land supply as this determines the weight that can be given to relevant policies in the development plan. The importance of this in the balance was emphasised during the Inquiry by the evidence of SCDC's planning witness. Under cross examination this witness conceded that if the Council does not have a five-year housing land supply and paragraph 14 of the Framework is engaged, then the identified harm would not significantly and demonstrably outweigh the benefits.
2. There are two limbs to this issue. First, whether CS requirement of 7,900 new homes is out of date due to the final paragraph of CS Policy SP2; and, second, whether the Council can demonstrate a five-year housing land supply.
3. Concerning the first limb, I have concluded that the provisions of that policy are clear and that the timescale it sets out has not been met. I do not agree with the Council that in these circumstances the requirement figure of 7,900 dwellings, which was only accepted as a temporary measure, can reasonably continue to be used. It is out of date. To still use it would fly in the face of the Government's objective of significantly boosting the supply of housing.
4. On the second limb, for the reasons set out above I have concluded that the Council has a record of persistent under delivery of housing and so a 20% buffer should be provided. This, taken in combination with my conclusions on the first limb, means that the Council cannot demonstrate a five-year housing land supply. Relevant policies for the supply of housing, therefore, cannot reasonably be considered to be up to date.
5. If the SoS accepts that conclusion, then paragraph 14 of the Framework is engaged. In those circumstances all parties at the inquiry are agreed that planning permission should be granted given the Council's concession that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
6. The benefits of granting permission include the provision of up to 560 dwellings, of which 187 would be affordable housing units. These benefits are recognised by Council and this provision carries considerable weight in support of the proposals. There is no certainty as to the timescale for the likely delivery of the dwellings (ie whether they will be delivered within the next 5 years), but evidence to the Inquiry from house builders was positive (Documents ID21 & 22. This provision is all the more important given the lack of a five-year housing land supply and the imbalance, identified in the development plan, between employment and housing in respect of the Port of Felixstowe. The other economic and social benefits of providing additional housing are set out above in the section on sustainable development which concludes that these benefits are significant. This carries significant weight in favour of the proposals.

7. The harm arising from the proposals is both limited in scale and highly localised. The fact that it would breach the strong physical boundary of the settlement by being located on the northern side of Candlet Road would not set a precedent given that the Grove Medical Centre and Pharmacy, with its extensive car park, is located to the north of that road. Nonetheless, there would be a major encroachment into the countryside and a resultant impact on users of public footpaths and a Quiet Lane in the area.
8. The harm to the AONB would be limited to long distance views out from the AONB and these views themselves are mostly limited to views through gaps in hedges or over field gates and there are some intervening trees. There would be some harm to these views but this would be very limited. Nonetheless, there would be conflict with CS Policies DM3, SP15, SP19, SP21 and SP29 and with emerging Policy FPP2 of the FPAAP and this weighs against the proposals.

Overall Conclusions

1. I am satisfied that the consideration of the revised site location plan, which involves a reduction in the overall site area and does not include any additional land outside the original site location plan, is acceptable and would not prejudice any interested parties.
2. The proposals are in conflict with policies in the development plan as they involve housing provision in the countryside outside the confines of Felixstowe/ Walton. Policies for the supply of housing, however, are out of date insofar as the requirements of CS Policy SP2 have not been met and the Council is unable to demonstrate a five-year housing land supply. I have found that this would be a sustainable form of development. In accordance with paragraph 14 of the Framework, Government advice is that planning permission should be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
3. I have found that the harm arising from the proposed development is limited and localised. The economic and social benefits are not significantly and demonstrably outweighed by the identified environmental harm. I therefore recommend that conditional outline planning permission be granted. **Recommendation**

File ref: APP/V3500/W/15/3138710

184. I **recommend** that the appeal, as amended by drawing No YOR.2258_036.A dated 09.09.2016, be allowed and that planning permission be granted subject to Conditions 1 – 31 (inclusive) as set out in the Annex to this Report.

Clive Hughes

Inspector

APPEARANCES

FOR CHRISTCHURCH LAND & ESTATES (FELIXSTOWE) LTD:

Anthony Crean QC	Instructed by the appellant
He called	
Christopher May BS(Hons) MRTPI	Director, Pegasus Planning Group
Brian Denney BA(Hons) DipLA CMLI CENV MIEMA	Landscape and Environmental Planning Director, Pegasus Group Ltd
Richard Brown MSc	Director, Richard Brown Planning Ltd
*Paul Hart	Solicitor, Shakespeare Martineau
**Victoria Balboa BSc(Hons) MCIHT	Director, WYG Environment Planning Transport
**Stephen Clyne LCP	Principal, EFM

* For sessions on conditions and Unilateral Undertaking only

** These witnesses each produced written statements but were not called during the

Inquiry

FOR SUFFOLK COASTAL DISTRICT COUNCIL:

Harriet Townsend of Counsel Instructed by the Solicitor to the Council

She called

Desi Reed BSc(Hons) Planning Policy and Delivery Manager, SCDC

MPhil MRTPI DMS

Mark Flatman CMLI DipLA Director, Liz Lake Associates

BA(Hons)

Jane Crichton BA(Hons) Senior Planner, Lanpro Services MSc MRTPI

FOR SUFFOLK COUNTY COUNCIL:

Juan Lopez of Counsel Instructed by Emma Bethell, Principal Planning and Environment Solicitor

He was supported by

*Faye Minter BA MA Senior Archaeological Officer, SCC

*Simon Curl BSc Flood and Water Manager, SCC

*James Cutting BA(Hons) Planning Strategy Manager, SCC BTP MRTPI

*Luke Barber BSc FDCE Road Safety Audit Team Leader, SCC

* These witnesses each produced written statements but were not called during the

Inquiry

INTERESTED PERSONS:

Guy Pearse Felixstowe Society of Allotment & Leisure

Gardeners and local resident

Robin Whittle Chair; River Deben Association and local resident Cllr Kimberley Williams Walton

Town Councillor and local resident

CORE DOCUMENTS

CD1	Documents A1–A27 Planning application documents
CD2	Documents B1-B4 Consultation documents, officer report & decision notice
CD3	Documents C1-C5 Appellant's appeal documents
CD4	Documents D1-D7 Statements of common ground & related inquiry documents
CD5	Documents E1-E13 Development plan policy documents and guidance
CD6	Documents F1-F11 Planning permissions and appeal decisions
CD7	Documents G1-G23 Other documents

DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY BY THE APPELLANT

CLE1 Proof of evidence and appendices of Christopher May
CLE2 Proof of evidence and appendices of Brian Denney
CLE3 Proof of evidence and appendices of Richard Brown
CLE4 Proof of evidence and appendices of Victoria Balboa
CLE5 Proof of evidence and appendices of Stephen Clyne
CLE6 Supplemental proof of evidence of Richard Brown

DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY BY THE DISTRICT COUNCIL

SCDC1 Proof of evidence and appendices of Desi Reed
SCDC2 Proof of evidence and appendices of Mark Flatman
SCDC3 Proof of evidence and appendices of Jane Crichton

DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY BY THE COUNTY COUNCIL

SCC1	Proof of evidence and appendices of Luke Barber
SCC2	Proof of evidence and appendices of Simon Curl
SCC3	Proof of evidence and appendices of Faye Minter
SCC4	Proof of evidence and appendices of James Cutting
SCC5	Rebuttal proof of evidence and appendices of Chris Ward on Travel Plan matters
SCC6	Rebuttal and erratum on Education and Early Years Matters of James Cutting

OTHER DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY

GEN1 Email (30.08.16) containing updated housing land supply details
GEN2 Planning Statement of Common Ground (unsigned)
GEN3 Statement of Common Ground on Highway and Transport Matters (signed)

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1 Statement of Common Ground: Housing Requirement & Five Year Housing Land Supply
ID2 Stratford upon Avon DC v SoS CLG and J S Bloor (Tewkesbury) Ltd etc [2013] EWHC 2074 (Admin)

ID3	Drawing No YOR.2258_038: Extent and level of visual effects set out in evidence of Mark Flatman
ID4	Summary proof of evidence of Desi Reed

ID5	M Flatman Fig 10: Encroachment into the open countryside
ID6	M Flatman Fig 02: Landscape character
ID7	Indicative masterplan annotated with areas of built development and hard surfacing
ID8	Land off Woods Lane, Melton, Woodbridge: Illustrative Masterplan
ID9	Opening submissions on behalf of Suffolk Coastal District Council
ID10	Opening submissions on behalf of Suffolk County Council
ID11	Email dated 26 September 2016 flagging up proposed application for costs by the appellant
ID12	Aim of the River Deben Association
ID13	Council's list of factual changes since the Framlingham Decision
ID14	Draft Unilateral Undertaking (Number 2) - withdrawn
ID15	Statement of Common Ground on Drainage Matters
ID16	Statement of Common Ground on Archaeology Matters
ID17	Council's notification letter and list of persons notified
ID18	Timetable: Suffolk Coastal Local Development Scheme 2012-2015
ID19	Extracts from The Deben Estuary Plan (April 2015)
ID20	Summary proof of evidence of Jane Crichton
ID21	Letter dated 3 June 2016 from Taylor Wimpey to Mr S Roper
ID22	Letter dated 1 August 2016 from Bloor Homes to Mr S Roper
ID23	Draft conditions (Suffolk County Council)
ID24	Addendum Statement of Common Ground on Transport Matters
ID25	Statement of Common Ground on Education and Early Years Matters
ID26	Draft Unilateral Undertaking (version 2) (replaced ID14)
ID27	Draft conditions (Suffolk Coastal District Council)
ID28	Revised position on the 5 year supply of deliverable sites

ID29	Extract from Planning Practice Guidance (16-049-20140306)
ID30	Position statement on Education by Suffolk Coastal District Council
ID31	Costs application on behalf of Suffolk County Council
ID32	Closing submissions on behalf of Suffolk County Council
ID33	Closing submissions on behalf of Suffolk Coastal District Council
ID34	Closing submission on behalf of the appellant
ID35	Suggested itinerary – Inspector’s site visit

DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE INQUIRY

PID1 Signed Unilateral Undertaking dated 7 October 2016

PID2 Composite list of agreed conditions

PLANS

- A. Drawing No YOR.2258_036.A – Site boundary plan (revised)
- B. Drawing No YOR.2258_010M – Indicative Masterplan (revised) **ANNEX: Suggested conditions (31 conditions)**

1. Plans and particulars showing the detailed proposals for all the following aspects of the development (“the reserved matters”), or within a phase, shall be submitted to the local planning authority and the development shall not be commenced before these details have been approved:
 - i. The siting of all buildings and the means of access thereto from an existing or proposed highway;
 - ii. The design of all buildings, including the colour and texture of facing and roofing materials; iii. Landscaping;
- iv. A landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels; v. The layout of foul sewers and surface water drains; and
- vi. The alignment, height and materials of all walls and fences and other means of enclosure.
2. a) Application for approval of any reserved matters must be made within five years of the date of this outline permission and then
 - b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.
3. The development hereby permitted shall be carried out in full accordance with Drawing No. YOR.2258_036.A and generally in accordance with the Indicative Masterplan (Drawing No YOR.2258_010M) unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to development commencing a phasing plan for the development of the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The development of the site shall be undertaken in accordance

with the approved plan or as otherwise agreed in writing by the Authority from time to time.

5. Before the development is commenced, or any phase of development commenced, details of the areas to be provided for storage of refuse/ recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details and shall be retained thereafter for no other purpose.
6. Prior to the commencement of development, a Construction Management Plan shall be submitted to the local planning authority for approval. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. The parking of vehicles of site operatives; ii. Loading and unloading of plant and materials; iii. Storage of plant and materials used in the construction of development; iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; v. Measures to control the emission of dirt; and vi. A scheme for recycling/disposing of waste resulting from demolition.
1. No development shall take place until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority and the recommendations of which must be implemented during the construction phase of the development unless otherwise agreed in writing.
2. Prior to any development commencing on any phase within the site a scheme for protecting noise sensitive properties within the site from road traffic noise shall be submitted to and approved by the Local Planning Authority. All works which form part of this scheme shall be so far as they relate to any specific property before such property is occupied.
3. Although site investigation has not previously identified any contamination associated with this site, if any contamination is encountered anywhere on the site during the development, it must be reported to the Local Planning Authority. Where remediation is necessary a scheme shall be prepared and agreed in writing with the Local Planning Authority prior to any works which may disseminate or bury the contaminant or put any site operative at risk and thereafter implemented in accordance with the measures specified in the agreed scheme.
4. No development shall commence commencing on any phase within the site until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
5. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
7. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and

- agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.
8. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification in conjunction with the development to which it relates.
 9. Any planting, seeding or turfing comprised in the approved details of landscaping in respect of any phase shall be carried out in accordance with the phasing arrangements for such planting and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced on the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 10. A landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules for all landscape areas, SUDS and play areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development. The landscape management plan shall be carried out as approved.
 11. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwellings are occupied. Development shall be carried out in accordance with the approved details.
 12. Concurrent with the first reserved matters application, an amended flood risk assessment (FRA) including surface water storage on site to be provided and sized to contain the 1 in 100 year + 40% climate change event has been submitted to and approved in writing by the Local Planning Authority.
 13. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a. Limiting the surface water run-off generated in all events up to the 1 in 100 year critical storm to no more than 43l/s (1.37 l/s/ha or QBAR), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
 - b. Provision of attenuation storage to manage the volume of surface water generated in all rainfall events up to and including the 1 in 100 year return period event including allowances for climate change (40%);
 - c. The pipe diameters of the surface water drainage network shall be determined during the detailed design stage and calculations shall be submitted which demonstrate they are sized to adequately convey the critical duration 1 in 100 year return period rainfall event, including allowances for climate change. A fully labelled network diagram showing all dimensions (pipe numbers, gradients, sizes, locations, manhole details etc.) of every element of the proposed drainage system should be submitted;
 - d. In the event of exceedance flows that surpass the critical duration rainfall event or a blockage/failure occurs within the drainage network/flow control device the attenuation features shall incorporate an emergency spillway and appropriate freeboard as part of their design;
 - e. Confirmation that the existing drainage ditches, downstream to watercourse, are free from obstruction and able to adequately drain to watercourse without causing

nuisance or damage. It is proposed that all surface water runoff generated from the proposed development will be discharged to existing drainage ditches via attenuation and a controlled discharge rate (43 l/s);

- b. All surface water management features must be designed in accordance with CIRIA (C753) The SuDS Manual so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits;
 - c. Plans and drawings showing the locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of the proposed attenuation features will be required;
 - d. Details of the future adoption and maintenance of all aspects of the surface water drainage strategy. The local planning authority should be satisfied that arrangements are in place for the long term maintenance and management of the surface water management scheme;
 - e. Infiltration testing shall be carried out on the site in accordance with BRE 365, and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
 - f. Confirmation, in writing, of the East Suffolk Internal Drainage Board's acceptance of the proposed surface water runoff rates should be submitted; xi. A full hydrological analysis of the ordinary watercourse which flows through the site, including information regarding the watercourse capacity and calculations to demonstrate that the proposed road crossing culverts/bridges will be suitably sized to convey the 1 in 100 year flood event, including allowances for climate change. The mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
14. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
15. No more than three hundred (300) dwellings hereby permitted shall be occupied until the flood risk asset register template has been submitted, in the required form, to and approved in writing by the Local Planning Authority.
16. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the Local Planning Authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.
17. No development shall commence until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions, and:

- a. The programme and methodology of site investigation and recording; ii. The programme for post investigation assessment;

- iii. Provision to be made for analysis of the site investigation and recording; iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- a. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - b. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; and vii. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
18. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 23 and the provision made for analysis, publication and dissemination of results and archive deposition.
19. No development shall commence on each specific reserved matters phase until details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), related to that phase, have been submitted to and approved in writing by the Local Planning Authority.
20. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.
21. The new estate road junction with Candlet Road, as shown on WYG drawing No. A085774_007 Rev. B inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials. Full details of the junction shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.
22. No development shall commence on each specific reserved matters phase until details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage, related to that phase, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be delivered in conjunction with the development they are intended to serve, and shall be retained thereafter and used for no other purpose.
23. No more than ninety nine (99) dwellings shall be occupied until the footway/ cycleway along the north east side of Candlet Road from the site access to the Grove Road Heath Centre, as shown on WYG Drawing A085774_010 Rev. A, and the footway link adjacent to Gulpher Road, as shown on WYG Drawing No. A085774_007 Rev. B, have both been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
24. No dwelling shall be occupied until footpath 24 has been enhanced with a metalled surface and street lighting, from the site access to Ataka Road (as generally shown in WYG drawing A085774_014), has been carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
25. No dwelling shall be occupied until a Zebra Crossing on the High Street, as shown on the WYG Drawing A 085774_011 Rev. A, has been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

