



Rendlesham Parish Council

Committed to actively engage'

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Dear Leanne

**East Suffolk Planning Appeal Ref. No: APP/121/2019
Previous Application Ref DC/19/1499/FUL
Land North of Gardenia Close and Garden Square Rendlesham Suffolk**

Rendlesham Parish Council Submission to Appeal

Rendlesham Parish Council maintain our objection to the proposed development based on the points we made at the time of the 2019 Application.

We note and continue to support the Planning Authority view that the proposals does not meet with Policy DM21 in respect of the overall numbers of houses that can be accommodated on the site.

- It has consistently been the Planning view that the site was identified as suitable for approx. 50 properties and the developer consistently seeks to build 75 because that suits his commercial business model.
- The final draft of the latest East Suffolk Local Plan still refers to this site as SCLP 12.62 as follows:- *"Land west of Garden Square is allocated for the development of approximately 50 dwellings."*

We also support the view of the Planning Authority that it does not conform in respect of the layout and form of the site per policies DM21, DM22 and the national design guidance in the form of Building for Life 12 (2015). In addition:

- The propped layout does have a similar design with the existing Garden Sq Gardenia Close development but not with the wider Rendlesham or Tidy road which this development would be most closely adjacent to.
- We note and disagree with the Appellant's view (par 1.28 in the Statement of Case) that *"by the Council in approving the Garden Square and Gardenia Close proposals"* it is somehow implicitly approving the layout of this proposal.
 - To draw such a conclusion some 14 years after the approval of the "Gardenia Close/ Garden Square" development is wholly inappropriate in light of the massive infrastructure changes that have occurred in the Parish in those intervening years

- National planning policy has changed over that 14 year period with emphasis now being on sustainability and inclusivity

We continue to hold the view that the “affordable housing” within the development is not sufficiently defined and fails to meet both policy DM2 and the needs of the local people

- The Appeal (and the elapsed 8 months between the refusal and the appeal) does not provide any further evidence of the proposals for the “provider/operator” of the affordable housing proposed within the development.
- RPC questions (based on the “premium” design and hence cost of the houses proposed) whether the “affordable housing” (with the often cited definition being 80% of market rent level homes as being affordable), will actually make properties in this development any more affordable to open market tenants than “commercially available” rented property elsewhere in East Suffolk.
- RPC also questions the proposed stock of ‘affordable’ housing given the local need for small family homes which are absent from this proposed development.

That is to say RPC do not see that this development actually generates any “affordable” (in layman’s terms) housing.

The Parish Council have read and commented against the appellants views on our previous comments to correct, clarify or elaborate as necessary in app A

Our other major concern remains flood risk as elaborated in App B which demonstrates the concerns we continue to have over the flood Risk. The views of App B are based on “evidence on the ground” rather than “desktop” Flood Risk Assessment.

The Parish Council enclose App C (an e-mail received from a Resident showing the current Marketing of the proposed development to a selected audience) as further evidence to support our assertion that the proposal is not an “open market” development and is being actively advertised to a very closed element of society with specific lifestyle views. We have no issues with the lifestyle nor with the people who live the lifestyle but we must refer back to the principal of the Rendlesham Neighbourhood plan which is designed to support the growth of the local community of which this proposed development falls short.

This shows the current position of the lack of land ownership, the expected construction sequence and seeking “early up-front payments” to support the “crowd funded” business model.

The emboldened text within App C shows the Developer’s intent to make this a “community” in its own right, which combined with the selective marketing to prospective purchasers collectively in the view of RPC undermines the appellant’s arguments about “open market” availability.

We further submit the 16 Page Sales literature being circulated by the Developer as further evidence of these points.

The Council trusts the content of the foregoing pages (and the referenced Appendices) explains our concerns in the Planning Context and demonstrates why we oppose the development that we see the is

- the wrong size and the wrong type of development

- not supportive of cohesion and inclusivity within the Parish
- a risk to local amenity for existing residents based on the duration of building works.

The information submitted is no clearer now than it was in the application that was refused in July 2019, in respect of key details such as:-

- how any “affordable housing” will be delivered in the development.
- how the valid concerns of flooding raised by the immediately adjacent properties will be addressed both during construction & after completion.
- How road adoption or maintenance in the future will be addressed.

The Parish Council Remain committed to the Neighbourhood Plan and the key statement within the plan paragraph 3.21: *“This RNP has been produced, to ensure that the right development happens in the right place with the right infrastructure to support the aspirations of a growing community”*.

From the foregoing and the Appendices, it is clear that the proposed development does not meet that definition, and we trust this view will be supported by the Inspector.

SIGNED

M A Stevenson
Chairman

DATED

cc Ben Woolnough Case Officer East Suffolk
R Herring Ward Councillor
Cllr A Nicholl Suffolk County Council

Appendix A

Responses to the Appellant's comments on RPC previous Comments

In respect of the Planning Appeal Statement of Case and specifically its comments on the Rendlesham Neighbourhood Plan (RNP) and the Rendlesham Parish Councils (RPC) objection letter of May 2019 we make the following responses (**RPC comments in Red**):

5.13 The Rendlesham Neighbourhood Plan states (our emphasis): "Housing Growth 10.01 There are existing determining factors that identify Rendlesham as an area for further growth. An existing allocation in the SCLP (Fig 35), allocation as a Key Service Centre, designation as a District Centre; both contained within the SCCS. Whilst the draft RNP initially sought to take this, and other sites forward, it has been identified through the Regulation 14 Pre-Submission consultation that, in order to work with SCDC in their 5-year housing land supply, and SCC with their areas of responsibilities, the key tool for taking forward sites for development will be the SCLP. The objectives and information within the RNP will guide SCDC, SCC and developers on housing density, land use, design and the infrastructure required to support the increase in population by reflecting the aspirations of the residents of Rendlesham. Having a Plan that looks at the future of the parish as a whole will ensure that the quality of life for those who live and work here will be not only maintained but improved to address the shortfalls that currently exist. 10.02 RPC, through the RNP, will work with SCDC on the outstanding site allocation. Under existing policy DM1, one third of the housing is expected to be 'affordable housing' 10.03 The RNP is not a tool to say no to housing, it is a tool to ensure that future housing growth is sustainable and has the infrastructure to support a growing community as reflected in Objective 1 of this NP".

The applicant is correct that the RNP is not a tool to say no to housing it is a tool to ensure that future housing growth is sustainable and has the infrastructure to support a growing community as reflected in objective 1 of the RNP. As per point 9 of our objection letter we maintain that objective 3e of the RNP is not met given the number of housing proposed exceeds the RNP from approximately 50 to 75 which will exasperate the issue of sustainable growth.

RPC requires physical contributions and tangible infrastructure deliverables as part of the development. The applicant's only solution to infrastructure is through CIL payments and for the Parish to resolve any deficit. We remind the applicant that only a small proportion of CIL is paid to RPC with the remaining to East Suffolk Council, which is then allocated by a process based on "priorities".

We also remain concerned on the applicant's ultimate willingness to pay CIL. The s106 payments on the previous development by MSV Homes Ltd (of which the applicant was a Director) for Garden Square and Gardenia Close remains unpaid despite the applicant challenging the payment and losing at the High Court. Whilst we appreciate the applicants likely response to this is that the behaviour of the previous entity cannot be a gauge for the likely behaviour of Capital Community Developments Ltd, we regard it as an indication of the potential problems which may arise in due course.

5.14 Rendlesham Parish Council provided their consultation response in May 2019. It included a range of points for and against the proposal and objected having balanced these. The following is a summarised response to those matters and how, if some are answered/corrected, the outcome of the balancing exercise may well be different.

We feel it inappropriate that the applicant should speculate on what the Parish Council will support or object to, based upon their own view of responses, and maintain our objection on this application.

We also challenge the Appellant's opinion of the members of the Council noted in App 3 Ref 23 which casts aspersions on the technical ability of RPC to comment on the application. We accept

that the meeting referred to was indeed the first meeting a new full Council but dispute the implicit suggestion that the council are not “qualified” to comment. This council has very experienced and qualified Parish Clerk and some very well qualified professionals in their own fields.

5.16 Point 1 – against RNP Objective 3a ‘Type and Design’ the Parish Council’s point about the proposal being weighted on large properties is not correct; there was a mix of bedroom numbers as set out in the submitted Planning Statement. The application had progressed a plan for affordable housing through the draft heads of terms in the Planning Statement and the draft s106 submitted in June 2019. The transport assessment was not restricted to a particular lifestyle, rather it logically assumed that the prospective purchasers of this market product would be similar to the occupiers of the existing development and rightly used this as a baseline to assess highways impacts; an approach accepted by the County Highways Authority. Against point 1 the Parish Council have arrayed supporting paragraphs and no planning policies, some of the points made are incorrect.

The applicant attempts to change the basis of the objection from homes to bedrooms. We maintain that as per RNP objective 3a – Type and Design ‘To ensure that there is a healthy mix in the type and design of housing built, particularly **homes** which attract first time buyers and **homes** for those less mobile to enable them to stay in Rendlesham if they so choose.

This is supported within the RNP through paras 10.12 and 10.13 which state developments need a healthy mixed housing scheme with emphasis on semi-detached dwellings and bungalows and less emphasis on flats/apartments, maisonettes and bedsits.

We maintain we have seen no information with respect to affordable housing and whether this would meet the needs of local people in perpetuity. Equally the applicant, by its own admission through the transport assessment, believes the properties will appeal to those of existing TM community rather than the wider open market.

As an additional point it has been brought to the attention of RPC (see appendix C) that whilst the applicant has stated that the development will be available for sale on the open market the properties are currently being actively marketed to the TM community only as an extension to the Maharishi Garden Village. On this basis we infer that the development is not intended to be for sale to the open market as stated by applicant.

5.18 Point 3 – in relation to RNP Objective 3b Density the Parish Council are content that the proposals meet the neighbourhood plan and in doing so refers to Appendix O where the existing development at Garden Square is described as one of the existing character areas in Rendlesham.

It is incorrect of the applicant to state that appendix O of the RNP describes the existing development at Garden Square as one of the ‘existing character areas in Rendlesham’ appendix O by design is used to only provide information on the current housing stock.

5.21 Point 6 – against Objective 3c Street Scene the Parish Council state that “the street scene meets the RNP criteria in providing the ideal street scene. The application meets the above criteria in the RNP”.

Emphasis is made to the Parish Councils comments on the application meeting objective 3c of the RNP which we can only infer seeks to offset the failures identified by the planning officer in their refusal on the 8th July 2018 regarding policy DM21 and DM22. We wish to clarify that our comments on the street scene relate only to the RNP with the crucial detail of design being considered more appropriately under policy DM21 and DM22. RPC support East Suffolk’s rejection on this point.

5.22 Point 7 – in reference to support paragraph 10.21 ‘Road Layout’ the Parish Council conclude that “the application meets the above criteria in the RNP by providing a positive street scene”.

As above RPC support East Suffolk’s objection to the road layout as per policies DM21 and DM22.

5.23 Point 8 – in reference to supporting paragraph 10.22 the Parish Council conclude that the proposed development “has a good walking and cycling infrastructure and in that respect meets the criteria in the RNP”.

Having reviewed the application further we do not believe the proposed development has good walking or cycling infrastructure given the dominance of parking and lack of pavements.

5.24 Point 9 – the Parish Council express concerns about what they term “less tangible infrastructure” and criticise the planning application for not providing it. It is not clear why this is the fault of the applicant; not least when the neighbourhood plan states that “Service providers need to ensure that [less tangible infrastructure] provision is commensurate with the growing population”. The development will provide for the infrastructure it is required to do through appropriate planning mechanisms such as CIL. Reference is also made to making a tangible contribution to a licenced premises. This relates to paragraph 2.105 of the Site Allocations DPD and is a ‘suggestion’ associated with Site Allocation SSP13 not SSP12. The Parish Council do not explain what is meant by a ‘tangible contribution’ but any ‘contributions’ would need to meet the planning tests.

The applicant has made no effort to address the basis of objective 1 within the RNP of sustainable growth. By their own admission, CIL will not be sufficient for the infrastructure required and therefore we maintain that exceeding the approximately 50 houses allocated to this site will not achieve ‘sustainable growth’ within Rendlesham. We also comment on paragraph 2.105 of the site allocation DPD and remain unclear why the applicant has not considered.

5.25 Point 10 – this point is important because it relates to the only neighbourhood plan policy Capital Community Developments RNPP3. The Parish Council stated that “Requirements in RNPP3 should be met and that adequate land is secured in perpetuity for the village for allotments, orchard and growing spaces. The Parish Council have concerns that the current offer of an orchard is not sufficient to meet the requirements of RNPP3” and “this does not meet the RNP”. It is important to turn to RNPP3 which states “New residential or mixeduse development is required to make provision towards meeting identified local need for allotments, orchards and growing spaces”. RNPP3 expresses no preference as to which is provided. The provision of orchard land in the planning application does conform to RNPP3.

RPC remain concerned that the offer of an orchard without any supporting information meets the definition of RNPP3 in terms of how the provision would be made and managed, equally upon reading RNPP3 the applicant asserts that the provision of allotments, orchards and growing spaces are restricted to only 1 of the 3 which we do not agree with.

5.26 Of the 10 points above the following performance is noted:

‘Criteria’ in order of importance Met?	Met?	Unmet or unclear?
Planning Policy	1	0
Objective	2	1
Supporting text	4	2
Total	7	3

Based upon our above comments we object to the performance of the 'criteria' as set out by the applicant and equally the assertion that all elements of the criteria are equally balanced.

5.27 Under the heading 'Other Considerations' the Parish Council then list another 8 matters which they say remain unaddressed from the previous planning application 18/2374 and these are responded to below:

5.28 Point 1 – the parish council wanted all roads adopted. The County Highways Authority made no such requirement.

Rendlesham suffers from existing unadopted roads (Garden Square etc) which have not been finished (no Wearing Course) not being maintained to an adequate state and this concern is exasperated further as the proposed unadopted roads for this development will cross over main sewers. RPC concerns are that

- it leaves residents at commercial risk in the event of future maintenance issues,
- it leaves the whole area looking "unfinished" (eg the junction from Gardenia Close to Sycamore road
- Is unlit and uneven (Garden Sq entry opposite Walnut Tree Ave)

There are other areas of un-adopted (privately maintained roads) such as Suffolk Drive which having been managed in that way for a longer period of time now show the degradation associated with lack of maintenance by a management company vrs that of local authority maintained roads.

5.29 Point 2 – the Parish Council have questioned the commercial viability of the development because they are concerned about the time required to implement. However, there is no such requirement in planning, the emphasis being on starting, not completing.

RPC are disappointed that the applicant seems unconcerned with the impact of protracted building on the current residents of Rendlesham.

That aside which remains a live issue RPC are concerned both about the ability of the applicant to complete the development given the excessive increase in costs based on the development's unique design but also the delay that this may ultimately cause. We maintain that given the development has an impact on housing stock within East Suffolk this is a relevant and a valid planning consideration.

5.30 Point 3 – the Parish Council want the affordable housing offered to local people only. The affordable housing will be offered to a registered provider and will be operated in the usual manner.

As per our comments above per 5.16 the proposed housing is designed to be of interest to those with similar interests to residents on Garden Square and Gardenia Close and as such we have received no information on how the development will support affordable housing for local people for meet policy DM2. Given the increased building costs for the development due to its design we require clarification on this and reiterate to the applicant that affordable housing should not be restricted to flats but extend to small family homes.

5.31 Point 4 – The parish council want a physical barrier to block the end of Tidy Road. Tidy Road has long been one of two accesses to the development site and residents of Tidy would/should have known this well. It will not be blocked up. The County Highways Authority have raised no concerns about its use.

The applicant misquotes the objection letter which states the wish to have the Tidy Road entrance blocked off during construction.

5.33 Point 6 – the Parish Council makes a number of statements relating to flooding. This is dealt with in the FRA to the satisfaction of the Local Lead Flood Authority.

RPC remain unconvinced

- a) that there is no flood risk, and
- b) A “Sustainable Urban Drainage System” (SUDS) could be incorporated based on the ground investigation information provided (See Application 1499 comments from M Stevenson). Repeated below in App B

Appendix B shows recent flooding to residents’ gardens and the proposed site taken in December 2019 and we ask this is taken seriously and an agreed plan put forward.

5.34 Point 7 – concerns about CIL and the increase from 50 to 75 dwellings however CIL increases proportionately with the number of dwellings.

RPC concerns relate to sustainable growth within Rendlesham and we maintain the increase from approximately 50 homes to 75 will cause detriment to residents though a lack of services (schools, GP, Dentists etc) which will not be solved through CIL alone. Also we refer to our comments in respect of CIL as per 5.13 above.

Appendix B

Flooding:

The images on the following pages were all taken by residents of Tidy Road in December 2019

These are submitted with RPC's Comments on the appeal for no other reason than to show the actual situation on the site of the proposed development and to emphasise the points previously made that residents see the drainage of the site as a significant issue to which **a full technically sound solution must be identified advance of any development consent being granted**

The proposed site is shown in Images 1 and 2 and clearly it currently does not drain adequately and results in the local flooding (Images 3 and 4) of Gardens adjacent to the site

The parish's concern is that without suitable designed solution in place before commencement of development, scenes similar to images 3 and 4 will occur in residents' gardens throughout the construction period (admitted by the developer to be over 3 years.

Such events would undoubtedly be deemed "Loss of amenity" in respect of the gardens and should be seen as a Material Planning Issue"

Further if the site drainage system is not properly implemented the fear is that whilst it may impact on the new houses the run off from the developed site (which will be less permeable than the existing field will exacerbate the existing flooding problems

The Appeal should note that this matter has also previously been notified to the Planning Authority as part of a consultee comment from resident S Lock

As noted the Parish also re-iterate the concerns about the practicalities of soakaways in the development as identified in the review comments by a parishioner Mr Stevenson whose technical observations are repeated below

Extract from comments issued by Resident Mr M Stevenson a qualified and experienced Civil Engineer to Application 1499

Soakaway design Practicalities

Sec 4.2 of Geotech report (Harrison Group) indicates the impermeable stratum of "Lowestoft Formation" is to a maximum of 3.7m deep ...Soakaways requiring 1m into the permeable layer (Chillesford Sand) will therefore potentially need to be excavated to over 6.5m deep to accommodate the proposed "Funke" filters Figs 7, 8 and 12 of sec 1 of the Flood Risk Assessment indicate soakaways ~3 to 4m deep which is at best misleading

It would be expected that a "Design Risk Assessment" under CDM Regs 2015 would suggest such deep excavations would not be the best solution when another option is available ie the acceptance by Anglian Water in Flood Risk Assessment part 2 (page 6 of 59) that "connection point may be made to manhole 6800 in the existing on site public sewer at NGR TM3363953802 at a rate of 13.7l/s"



IMAGE 1



Image 2

Parish Office, Rendlesham Community Centre
Walnut Tree Avenue, Rendlesham, Suffolk, IP12 2GG



IMAGE 3



Image 4

Parish Office, Rendlesham Community Centre
Walnut Tree Avenue, Rendlesham, Suffolk, IP12 2GG

APPENDIX C Marketing Material and Information for the proposed Development

----- Forwarded message -----

From: **Capital Community Developments Ltd** <enquiries@ccdevelopments.co.uk>

Date: Sun, Aug 25, 2019 at 10:22 PM

Subject: 🏡 Maharishi Garden Village Extension - Latest News



CAPITAL COMMUNITY DEVELOPMENTS LTD



Dear

Due to the delays with the planning application, we have revised the programme for land purchase and construction as follows:

- We expect to receive planning permission by 31 July 2020.

Parish Office, Rendlesham Community Centre
Walnut Tree Avenue, Rendlesham, Suffolk, IP12 2GG

- We expect to complete the land purchase by 31 October 2020.
- We will start with some site infrastructure works (roads, utilities).
- We expect to build out Phase 1 during 2021, Phase 2 during 2022, and Phase 3 during 2023.

Based on this new programme of land purchase and construction, we are pleased to re-open the Early Bird Offers. This scheme entitles you to some substantial benefits:

- You can reserve the property and plot of your choice.
- You can lock in the price.
- You can receive a discount of 10 pct calculated on the amount of the advance payment.

In order to enter into the scheme, you need to pay a reservation fee of £6,000 for a house or £4,000 for a maisonette or apartment, and to make an advance payment by 31st January 2020. The minimum advance payment is the 10 pct deposit payable upon exchange of contracts. The larger the advance payment, the larger the discount which is deducted from the price you pay for the property. For example if you make an advance payment of £100,000, you receive a discount of £10,000 which is deducted from the price you pay for the property. If you make an advance payment of £200,000, you receive a discount of £20,000, and so on.

We very much hope you can take advantage of this offer, and also enjoy the benefits of **living in Perfect Vastu at Maharishi Garden Village**, near to the Peace Palace with its many courses and events, and with easy access to the beautiful east Suffolk countryside and coastline.

Jai Guru Dev

CAPITAL COMMUNITY DEVELOPMENTS

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Going
to the
Beach?



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