



Appeal Decision

Site visit made on 2 June 2015

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 25 June 2015

Appeal Ref: APP/J3530/W/15/3005420

Land at The Street, Rushmere St Andrew, Ipswich, Suffolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Witco against the decision of Suffolk Coastal District Council.
 - The application Ref DC/14/2473/OUT, dated 30 July 2014, was refused by notice dated 18 December 2014.
 - The development proposed is up to 14 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for up to 14 dwellings at Land at The Street, Rushmere St Andrew, Ipswich, Suffolk in accordance with the terms of the application, Ref DC/14/2473/OUT, dated 30 July 2014, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application is for outline planning permission with all detailed matters reserved with the exception of access. The layout plan which has been submitted is indicative of a possible layout. I shall consider the appeal on this basis.

Main Issues

3. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area, including its implications for the open gap between Rushmere St Andrew and Ipswich;
 - ii) whether or not adequate provision would be made for contributions towards local infrastructure; and
 - iii) whether or not adequate provision would be made for affordable housing.

Reasons

Character and Appearance

4. Rushmere St Andrew is separated from the built up area of Ipswich by open agricultural land and grassland and there are extensive areas of sports pitches to the south of the village. The separation of the village from the urban area gives it a distinct semi-rural character. Towards the western end of the village

the houses are typically detached and occupy large gardens with trees and hedges along the road frontages giving a verdant appearance. The Grade II* Listed St Andrews church is at the western end of the village on the north western side of The Street.

5. The site is enclosed by high hedges and is used for cultivation of fruit and vegetables and keeping of bees. Trees have been planted within the site many of which are memorial trees. The site is adjacent to a thatched two storey house ('Redecroft') which appears to date from the early 20th century and is identified by the Council as being a non-designated heritage asset of local interest.
6. The Council states that it has 4.3 years' worth of deliverable housing sites. Where housing land supply is less than 5 years policies for the supply of housing should not be considered up to date¹. Paragraph 14 of the National Planning Policy Framework (the Framework) states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
7. The site is outside the development limits boundary for Rushmere St Andrew as identified in the Local Plan. Policy SP27 of the Local Plan (LP)² permits housing development within the physical limits boundaries and policies SP29 and DM3 resist housing development outside those boundaries. In as far as they relate to the proposal those policies are out of date on the basis of the lack of a five year housing land supply.
8. Saved policies AP212 and AP228 of the Suffolk Coastal Local Plan (2013) require that the open character of land separating villages on the eastern fringe of Ipswich is maintained and resist development in the vicinity of Rushmere Street and Humber Doucy Lane. Those policies do not specifically relate to the supply of housing and are not therefore out-of-date on this basis.
9. The site is enclosed by the hedges around its boundaries and has the appearance of a garden as distinct from the open farm land and sports pitches adjacent to it. The hedges are proposed to be retained and these landscape features would contain the proposed development and maintain the visual separation of the site from the adjacent farmland and sports pitches.
10. Having said this, the hedges would not be protected under the Hedgerow Regulations 1997. A condition may reasonably be imposed to require the retention of the hedges for a five year period in conjunction with the establishment period for new planting but it cannot be guaranteed that the hedges would remain in perpetuity.
11. When seen across the open land from Humber Doucy Lane, the proposed development would not materially reduce the open gap between the settlements because the development on the north western side of The Street extends further towards the built up area of Ipswich than the appeal site. It is also the case that the existing site is visually separated from the open land by its boundary hedges. The appearance of the proposal without the hedge in place would change the character of the landscape but because it would be seen at some distance from Humber Doucy Lane it would not be materially

¹ National Planning Policy Framework paragraph 49

² Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (2013)

- harmful. With the hedge in place only the upper parts would be visible and its effect would be minimal.
12. From The Street the proposal would have some effect on the character of the area because parts of the frontage hedge would need to be removed to form the access and provide the visibility splays. New planting could take place to replace any lost planting but the proposal would have an urbanising effect in contrast to the vegetated appearance of the existing site. This effect would be moderate, taking into account the proximity of the site to existing and proposed housing development on the opposite side of The Street and to the rear of Redecroft.
 13. If the boundary hedging is not maintained in the longer term the effect on users of the adjacent public footpath would be more pronounced. Its character along the part of the route leading from The Street would change to some extent but this would not make it unattractive as a pedestrian route.
 14. The existing hedge on the southern side of The Street opposite St Andrews church would screen the development from view from the area in front of the church. For this reason and given that the site is some distance away from the church its setting would not be harmed. No objection has been raised in this respect by the Council or English Heritage.
 15. The Council's Arboricultural and Landscape Manager has considered the value of the trees within the site in terms of their contribution to the character and quality of the landscape. He advises that the trees are not typical of the prevailing landscape character, that many are not especially long lived and that because they have been closely planted would require a notable degree of thinning. Although the trees are valued by the local community most notably those that have been planted as memorial trees their contribution to the quality of the landscape is not significant. On this basis the Arboricultural and Landscape Manager has considered that the trees do not merit retention by way of a Tree Preservation Order.
 16. The proposal would not accord with saved policies AP212 and AP228 or with policy SP15 of the LP which requires the protection of gaps, gardens and spaces that make an important contribution in their undeveloped form including the gaps between settlements. However for the reasons given the proposal would have a limited effect on the landscape character and it would not alter the character or identity of the village or compromise the open gap between the village and Ipswich.
 17. Redecroft is of value in terms of its Arts and Crafts architecture and that value would not be affected by the proposal. The setting of this non-designated heritage asset would be affected by the removal of existing trees and the change in the character of the site but the approved development to the rear of that property will necessitate the removal of some trees and given that a good sized garden would be retained with the property, its significance would not be harmed.
 18. For the reasons given above I conclude on this issue that the proposal would not be unduly harmful to the character and appearance of the area.

Contributions to Local Infrastructure

19. A Unilateral Undertaking has been provided by the appellant that secures contributions towards education, pre-school facilities and off-site recreation facilities locally. The Council has advised that there are no other planning obligations that have been entered into since 6 April 2010 that relate to public open space provision in Rushmere St Andrew. The County Council has also advised that there are less than five obligations entered into since 6 April 2010 which relate to the education and pre-school facilities identified. On this basis the pooled contributions would be permissible under the Community Infrastructure Levy (CIL) Regulation 123(3) (as amended).
20. The Council has identified a local open space at Blackheath, The Chestnuts which it says requires improvement. The parties have referred in this respect to the Council's Supplementary Planning Guidance (SPG15) which is not before me but is said to identify a need for an improved kick-about space at that facility. The obligation would secure a payment calculated in accordance with the Council's standard methodology towards improvement of that facility.
21. The County Council has identified the likely number of children who would occupy the development and that the local pre-school, primary and secondary education facilities do not have capacity to accept those additional children. The obligation would secure payments towards upgrading those facilities calculated using the County Council's standard cost multipliers.
22. On the basis of the information provided, the contributions to local infrastructure to be secured by the Unilateral Undertaking meet the tests in paragraph 204 of the Framework. I conclude that adequate provision would be made for contributions towards local infrastructure and that the proposal would accord with policies SP16 and SP18 of the LP.

Affordable Housing

23. Policy DM2 of the LP requires that 1 in every 3 of the proposed dwellings are provided as affordable housing. The Unilateral Undertaking secures this provision and accordingly I conclude that adequate provision would be made for affordable housing and that the proposal would accord with policy DM2 of the LP.

Other Matters

24. The village is identified in the LP as a Local Service Centre reflecting its sustainability as a location for further development. The proposal would be of significant benefit both in terms of contributing 14 dwellings towards the identified housing shortfall and in providing four affordable dwellings.
25. The site is valued by the local community because of the memorial trees. It is also used for the production of fruit, vegetables and honey and I understand that this produce is used by the community. However any community involvement in the site appears to be informal. In the absence of any formal arrangement for use of the site as a community garden I can give only limited weight to this matter.

26. Interested parties have referred to the agricultural value of the land. The Framework³ requires that land of poorer quality is used in preference to that of higher quality. However, no evidence has been provided to substantiate the claimed high quality of the land.
27. Interested parties also refer to the biodiversity of the site. The appellant has undertaken ecological surveys which show that the site is of limited value in this respect but that mitigation measures may be secured by a planning condition to ensure that there is no adverse effect on species likely to be present.
28. I note that interested parties have the support of their Member of Parliament. I have taken into account all other matters raised, including additional loading on the drainage system, localised flooding and highway safety. Those matters do not alter my conclusions on the main issues.

Planning Balance

29. I have concluded that the proposal would not accord with saved policies AP212 and AP228 or with policy SP15 of the LP but that the harm to the landscape would be limited. On this basis I give limited weight to that harm. I have also given limited weight to the loss of the garden to the local community.
30. On the other hand I conclude that significant weights must be given to the proposal in terms of the contribution to housing supply and the affordable homes to be provided. Those weights outweigh the limited weights against the proposal. The benefits are significant material considerations which indicate that the decision should be otherwise than in accordance with saved policies AP212 and AP228 and policy SP15 of the LP.
31. The proposal would meet the social and economic aspects of sustainable development as set out in paragraph 7 of the Framework. Only limited harm would arise in respect of the environmental dimension and I conclude that the proposal as a whole would be sustainable. The limited harm arising would not significantly and demonstrably outweigh the benefits of the proposal.
32. For the reasons given the proposal would accord with policies SP1 and SP1A of the LP which require sustainable development.

Conclusion and Conditions

33. I have had regard to the Planning Practice Guidance in imposing conditions and have imposed the conditions suggested by the Council with one exception and with changes to wording to ensure compliance with the tests in paragraph 206 of the Framework. I have not imposed a condition requiring details of external facing materials to be approved because this aspect would be covered under the submission of details of the appearance of the development.
34. I have imposed conditions requiring the submission of full details of the access road, the completion of the junction before development takes place and the provision of the required visibility splays in the interest of highway safety. The Highway Authority requested a condition to secure a footpath along the site frontage but the Council did not consider this to be necessary and I see no

³ NPPF paragraph 112

- reason to disagree. It would be possible for the detailed scheme to provide a link to the adjacent public footpath as is shown on the indicative layout plan.
35. Conditions requiring the retention of the boundary hedges and the provision of additional landscaping are necessary to ensure that the development is integrated into its landscape setting. An existing tree survey has been provided and there would be a need to identify the existing trees which are to be retained and protected during construction work and those to be removed as part of the landscaping scheme.
 36. The site has been identified as potentially being of archaeological interest and for this reason I have imposed a condition requiring a programme of archaeological work in accordance with a scheme of investigation.
 37. Ecological mitigation measures as recommended in the reports provided by the appellant are necessary in order to safeguard wildlife and I have included a condition in this respect. I have also included a condition requiring details of any floodlighting to be approved in order to ensure no disturbance to wildlife.
 38. Finally, a condition requiring the approval of a surface water management strategy is necessary to avoid risk of flooding.
 39. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Richborough Estates

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until details of the estate road and footpaths, its junction with The Street and the visibility splays have been submitted to and approved in writing by the local planning authority. The details shall include details of levels, gradients, surfacing and surface water drainage. The junction with The Street and the visibility splays shall be constructed before any other part of the development takes place. Development shall take place in accordance with the approved details.
- 5) Before the access is first used the visibility splays shown on plan N^o 6765(08)10F shall be provided. Within the visibility splays no obstruction over 0.6 metres in height shall be constructed, planted or permitted to grow and the visibility splays shall be maintained thereafter.
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. The details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and the proposed number/densities where appropriate and an implementation programme. The approved landscaping scheme shall be implemented within 6 months of the commencement of the development or within such other period as may be agreed in writing by the local planning authority and any trees or shrubs which die in the first 3 years shall be replaced in the next planting season.
- 7) The plans and particulars submitted in accordance with Condition 6 shall include:
 - i) details of any trees or hedges intended for removal;
 - ii) details of any proposed topping or lopping of any retained tree or hedge;

- iii) details of any proposed alterations in existing ground levels and of the position of any proposed excavation in relation to any tree or hedge to be retained; and
- iv) details of the specification and position of fencing and any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development.

The erection of fencing for the protection of any retained tree or hedge shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made other than those approved, without the written approval of the local planning authority.

- 8) All hedges or hedgerows within the site, unless indicated as being removed, shall be retained for five years following the practical completion of the development, unless otherwise agreed in writing by the local planning authority. Those hedges shall be protected by the erection of fencing in accordance with the approved plans and particulars for the duration of works on the site.

Within the aforementioned five year period any part of a hedge or hedgerow which is removed without the local planning authority's consent or which die or become, in the local planning authority's opinion, seriously damaged or otherwise defective shall be replaced and/or shall receive remedial action as required by the local planning authority. Such works shall be carried out before the end of the following planting season, with plants of such size and species and in such number and positions as may be agreed in writing by the local planning authority.

- 9) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 10) The mitigation measures set out in the Preliminary Ecological Appraisal and Bat Survey (Ref SHF.1077.001.R.002.A) and the 2014 Badger Survey (Ref SHF.1077.001) shall be carried out before development takes place.
- 11) Details of any external floodlighting shall be submitted to and approved in writing by the local planning authority before installation. Development shall be carried out in accordance with the approved details.
- 12) No development shall take place until a surface water management strategy has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.