
Appeal Decision

Site visit made on 5 August 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2019

Appeal Ref: APP/J3530/W/18/3213811

Land to the North of Purdis Farm Lane, Ipswich, Suffolk IP3 8UE

- 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 Mr Jonathan Hills of Hills Residential Ltd. against the decision of East Suffolk Council.
 - The application Ref DC/17/5437/OUT, dated 22 December 2017, was refused by notice dated 17 April 2018.
 - The development proposed is described as 'six dwellings with associated infrastructure, parking and landscaping'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of six dwellings with associated infrastructure, parking and landscaping at Land to the North of Purdis Farm Lane, Ipswich, Suffolk IP3 8UE, in accordance with the terms of the application, Ref: DC/17/5437/OUT, dated 22 December 2017, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have assessed the proposal on this basis and treated the drawings as being an illustration of how the proposal could ultimately be configured. Since the decision was issued Suffolk Coastal District Council has merged with Waveney District Council to become East Suffolk Council. This has not had any bearing on what constitutes the statutory development plan.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
1) The character and appearance of the area; 2) Purdis Heath as part of the Ipswich Heaths Site of Special Scientific Interest (SSSI); and 3) The Sandlings, Deben Estuary and Stour and Orwell Estuaries Special Protection Areas (SPAs).

Reasons

The effect on the character and appearance of the area

4. The appeal site encompasses a long, rectangular parcel of land towards the northern end of Purdis Avenue, which is a private road. Purdis Heath is located on the eastern side of Purdis Avenue. This is an attractive area of open access heath and wood land with a sense of relative tranquillity. The appeal site is

very prominent in views from the immediate east because informal footpaths cross the heath in this location and provide vantage points. A point demonstrated in the appellant's Landscape Appraisal.

5. The western side of Purdis Avenue consists of residential development with most of the properties south of Purdis Farm Lane being bungalows set behind front hedges, which soften the visual impact of this development when viewed from Purdis Heath. A small development of four homes has recently been erected directly to the west of the appeal site and north of Purdis Farm Lane. It encompasses large houses on relatively small plots and is not representative of the general pattern of development in Purdis Farm Lane or Purdis Avenue. However, it is located between existing buildings with a limited visual envelope.
6. Purdis Farm Lane delineates the southern boundary of the appeal site, this is a private road but also a public right of way forming part of the Sandlings Walk. The appeal site is prominent in views from this route. The layout of development along the lane to the west of the appeal site has a discernible character with individually designed detached properties generally set at the front of large plots. This has resulted in a generously landscaped street scape and thus a very verdant appearance that merges with the wooded character of the heath. A development of large detached houses (Beachwood Drive) has been erected towards the western end of Purdis Farm Lane but this has had little impact on the character of the lane when moving broadly east past Oakstead and Pinheiros.
7. Purdis Avenue is a physical feature that marks the natural edge of the settlement. Notwithstanding this, the appeal site, which protrudes east past Purdis Avenue, is located within the settlement boundary by virtue of its historic use as garden land to Hillingdon House. In some respects, this is an anomaly. However, the Council has confirmed that the principle of residential development is accepted within the settlement boundary subject to its impacts. Planning permission already exists for the erection of one large dwelling and extensive ancillary structures at the appeal site, which, if implemented, would significantly erode the undeveloped appearance of the appeal site.
8. The appeal scheme is for the erection of six homes. Given the shape of the site it is likely that the properties would need to be arranged broadly in the way outlined in the indicative layout plan, with the dwellings orientated in a row to address Purdis Heath as public realm. Therefore, the homes need not be located directly behind one another in a tandem arrangement. This would ensure the development appeared as a small street and thus a continuation of the existing grain of development rather than an insular or isolated infilling.
9. At around 8.3 dwellings per hectare the development need not be overly intensive or inherently cramped. However, this would depend on the size and scale of the individual properties. The development could be highly visible from Purdis Heath if large houses, such as those immediately to the west, are constructed and this would erode the gentle transition from settlement to countryside that is currently evident when walking along Purdis Farm Lane and Purdis Avenue or when looking west from Purdis Heath. In this respect, I share the view of the Council that the provision of large houses, and garages, would result in an undesirable concentration of development on the settlement edge, being an unduly prominent incursion into the setting of Purdis Heath.

10. However, the proposal has been submitted in outline with all matters reserved for future consideration. Accordingly, there is considerable scope and space to design a scheme that provides a sense of transition between settlement and countryside and thus minimises the visual impact upon Purdis Heath. For example, the six dwellings could be modest single storey properties and an extensive landscaping scheme around the site boundaries, along the fronts of the individual plots and throughout the development, including between plots, could be employed to soften the development and integrate it within its wooded context. This could also result in a net gain to biodiversity given the limited value of the site at present, as recorded in the wildlife surveys. Setting the properties back from the site boundaries in the way envisaged on the indicative layout would assist in providing this landscaping and protect existing planting on the site boundaries.
11. Moreover, the houses could be designed to be attractive and characterful when viewed from Purdis Heath and the provision of a central open space, in the position detailed on the layout plan, would break up the visual intensity of the development. Thus, the provision of six, modestly sized properties within a generous landscape setting would not inherently harm the visual amenity of Purdis Heath, Purdis Avenue or Purdis Farm Lane.
12. In coming to the above view, I have carefully considered the appeal decision¹ referred to by the Council at Caris House. However, that scheme was for five dwellings on a smaller site in a 'backland' location. That scheme would have been at odds with the existing grain of development and would have appeared as a relatively cramped and intense form of housing. The appeal scheme before me need not be designed to be an intensive or cramped form of development for the reasons already given and the appeal site could have a public frontage as opposed to having a tandem or backland configuration.
13. I therefore conclude that the appeal scheme would not inherently harm the character and appearance of the area as an appropriate design solution could be achieved at the reserved matters stage. Consequently, the proposal would adhere to Policies SP15 and DM7 of the Core Strategy².

The effect on Purdis Heath, as part of the Ipswich Heaths SSSI

14. There would be space within the development to provide a central open space as well as rear gardens along the lines envisaged in the indicative layout. These areas would be large enough for social events and for children to play but they would not be semi-natural or large enough to cater for all the recreational needs of future residents, such as walking. It is therefore highly likely that future residents of the appeal scheme would walk/recreate within Purdis Heath, perhaps with a family dog.
15. Various conservation groups³ have all expressed concerns that an increase in recreation at Purdis Heath from future residents of the appeal scheme could result in significant damage and disturbance to its fabric and the wildlife using it, particularly ground nesting birds such as woodcock and woodlark, which have been recorded at the site.

¹ APP/J3530/A/14/2221040

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

³ Natural England, The Suffolk Wildlife Trust, Greenways, the Suffolk branch of the RSPB and the Suffolk branch of Butterfly Conservation

16. However, little in the way of substantive evidence has been provided to support this proposition, such as a management plan that identifies recreational disturbance as a significant matter. Similarly, Natural England have indicated that eutrophication and direct predation could be a problem, but this is also unsupported by evidence. It is unlikely domestic waste from gardens would encroach into Purdis Heath because the houses need not be designed with gardens backing onto it.
17. Alternatively, the appellant has referred, in a Recreational Impact Assessment⁴ (RIA) to a condition assessment of Purdis Heath by Natural England in July 2014. This found the condition of the site to be 'unfavourable' with the reasons given being inappropriate cutting/mowing, under grazing, lack of corrective works and inappropriate scrub control. There is no apparent indication that the unfavourable condition is a result of recreational disturbance. I have no reason to doubt these findings, which are unchallenged by the Council.
18. Nevertheless, the appellant's analysis of recreational activity at the appeal site does indicate there are some issues with erosion caused by walkers. Trampling could occur because there is little attempt at managing public access by, for example, providing information and directional routes around the site. Public management would be difficult due to the open access nature of the site but there is little attempt to guide visitors around on marked footpaths as a means of preventing trampling. These are existing and ongoing issues. It has not been demonstrated by the Council that an additional six households are likely to significantly exacerbate this, even though they would be very close to the site.
19. That said, the recreational disturbance from the residents of the appeal scheme would likely have a modest compounding effect on the problems at the heath from erosion, trampling and disturbance. However, this could be mitigated by the financial contribution proposed by the appellant, which could be spent on interpretative material at Purdis Heath including an information board and leaflets and from providing a way marked route around the site. The contribution would be secured through the executed planning obligation, which is necessary to make the development acceptable, directly related to the impacts of the proposal and fair and reasonable in scale and kind to the development.
20. This would be complemented by on site mitigation measures secured through an ecological mitigation strategy, which can be secured via the condition suggested by the Council. This would provide measures to educate future residents on the importance of the heath through an information board, welcome packs and details of alternative Green Infrastructure. This could also include measures such as the provision of a dog bin at the appeal site.
21. The obligation is in the form of a unilateral undertaking so the neither the Council nor the landowner would have any legal compulsion to spend the financial contribution in the way defined in the obligation. However, as a responsible public body the Council are likely to collect the funds and pass them on to the land manager. Moreover, the Council's Planning Case Officer has confirmed in an email that the contribution is acceptable. Greenways Countryside Project, as a land manager with stated concerns about recreational disturbance and an interest in improving the condition of the site, is likely to receive the funds and spend them on the mitigation envisaged. The suite of

⁴ Also referred to as the Development Conservation Impact Assessment

mitigation measures apparently followed a meeting between the appellant and Greenways on the 10 May 2018. The obligation has been amended to incorporate the changes suggested by the Council.

22. Inappropriate external lighting has the potential to adversely impact bats and insects. However, a lighting specification can ensure external lighting is kept to an absolute minimum and, where lighting would be necessary, it can be designed in a way that removes negative effects. The outline specification referred to by the appellant has previously been submitted and accepted as part of the approved application for a large single dwelling at the appeal site. It would also respond to good practice guidance such as that prepared by the Bat Conservation Trust.
23. The access into the appeal site would encroach very slightly into the SSSI, however, it would mainly utilise an existing hard surface and would be in the same location as that already approved in the previous application for the single dwelling, where Natural England concluded the 'trespass' would not have a significant negative impact on the SSSI. This permission is capable of being implemented as a fall back and is therefore a matter of significant weight. In the circumstances, and given the evidence submitted in Appendix 1 of the RIA, it would be unreasonable to dismiss the appeal on this point.
24. The adequacy of the proposed buffer between the dwellings and the edge of the SSSI, and the extent and location of reptile mitigation, is a matter to be explored at the reserved matters stage when the layout is advanced for consideration. The appeal site is large enough to accommodate six homes, an adequate buffer and reptile mitigation. A planning condition has been proposed by the Council regarding construction management and this could include measures to minimise the impacts on wildlife.
25. In conclusion, sufficient information has been provided to demonstrate that the appeal scheme would not result in harmful recreational pressure, albeit subject to mitigation, and therefore a conflict with Policy DM27 of the CS, which seeks to protect biodiversity, would not occur.

The effect on the Sandlings, Deben Estuary and Stour and Orwell Estuaries Special Protection Areas (SPAs).

26. The appeal site is located within the thirteen-kilometre 'zone of influence' established around the SPAs in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk RAMS). New housing development within this zone would result in a permanent increase in people living in the zone and thus a short drive of the SPAs. Natural England have suggested that this would likely result in an increase in harmful recreational pressure as the residents of the appeal scheme visit the SPAs. Accordingly, and when following a precautionary approach, the proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPAs. Hence, an appropriate assessment, in accordance with Regulation 63 of the Habitat Regulations⁵, is required to consider the implications of the proposal on the SPAs in view of the conservation objectives.
27. Natural England, as the Statutory Nature Conservation Body, has referred to the Suffolk RAMS, which explains that the SPAs have been designated because

⁵ Conservation of Habitats and Species Regulations 2017.

they include habitats that support rare bird species⁶. The overarching conservation objective for the SPAs is to avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the sites is maintained and the sites make a full contribution to achieving the aims of the Birds Directive.

28. The appellant has confirmed a willingness to provide a financial contribution in line with the methodology in the Suffolk RAMS. The contribution would be pooled with others and used for access management and monitoring at the SPAs in the way outlined in Suffolk RAMS and not for the provision of infrastructure. This approach is supported by NE and would ensure the proposal would not adversely affect the integrity of the SPAs, as its condition need not deteriorate as a result of the appeal scheme.
29. The contribution would be secured through the Planning Obligation submitted by the appellant and would be directly related to the impacts of the proposal on the SPAs. It is necessary to make the development acceptable and the contribution would be fairly and reasonably related in scale and kind to the development, as it follows the methodology in the Suffolk RAMS. Accordingly, the contribution is an obligation that can be taken into account. As such, the proposal would adhere to Policy DM27 of the CS.

Other Matters

30. Access is a matter reserved for future consideration. It may be taken from Bucklesham Road via Purdis Avenue. This is already a well-used junction which would require maintenance regardless of whether the appeal scheme is implemented. At the time of my visit the access from Bucklesham Road appeared to provide adequate visibility. However, representations suggest that the visibility splays can become overgrown. If the junction is to form part of the access to the appeal site, then the appellant would need to demonstrate at the reserved matter stage that the visibility splays are currently maintained or can be.
31. Access directly into the appeal site would need to be taken from Purdis Avenue. There is adequate visibility at the crossway between Purdis Avenue and Purdis Farm Lane to ensure there would not be harmful conflict between pedestrians and cyclists and vehicles. The impact would be similar to the vehicle movements associated with the residents of Hillingdon Lodge, Hillingdon House and the dwellings in-between, which apparently occur without issue. Moreover, the Rights of Way Officer has not objected to the proposal on safety grounds.
32. The proposal may result in damage to Purdis Avenue but, being a private road, this impact is outside the scope of this appeal, as are the concerns regarding the appellant's legal rights to access the appeal site. There are passing places and good forward viability along this road which would allow vehicles to pass. Similarly, the alleged felling of an Oak tree subject to a Tree Preservation Order is a matter for the Council in the first instance.
33. The appeal site is large and therefore the proposed homes could be positioned away from existing properties. The dwellings could also be single storey if this is considered necessary to mitigate the impacts on neighbours in respect of

⁶ Including Dark-bellied Brent Geese, Avocet, Woodlarks and Nightjars. The full listed is provided in Table 4, Appendix 3 of the Council's Habitat's Regulation Assessment of the Local Plan.

privacy, light and outlook. I am therefore satisfied that six homes would not inherently harm the living conditions of neighbours.

34. The proposal would not provide affordable housing, but the National Planning Policy Framework, as a material consideration, does not require it to. The appellant has not indicated a housing mix to include smaller homes, but this is a matter to be considered further at the reserved matters stage, when the detailed design would be advanced for consideration.

Conditions

35. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. In addition to the standard commencement condition it is necessary to ensure the reserved matters are approved in the interests of clarity, living conditions and the character and appearance of the area. Similarly, it is necessary to ensure the development is implemented in accordance with the submitted site plans, although not the indicative layout plan 0105-P03 because layout is a reserved matter.
36. In the interests of safeguarding the living conditions of future occupants it is necessary to ensure the impacts from possible land contamination are properly addressed. In the interests of safeguarding biodiversity and the living conditions of existing occupants it is necessary to secure a construction management plan, details of external lighting and an ecological mitigation strategy. The latter could deal with onsite mitigation such as providing an information board for residents about the value of the Heath, a dog bin and information on the wider green infrastructure network so that recreation is not focused on the Heath. To record as yet potentially unknown archaeology, it is necessary to secure a programme of archaeological work and recording. To prevent surface water flooding it is necessary to secure a surface water strategy based on the investigations that have already taken place.
37. As access and layout are reserved matters it is unnecessary to secure details of refuse and recycling bins and areas for the manoeuvring and parking of vehicles. The visibility splays required on highways drawing IT1266/SK/01 appear to be outside the control of the appellant. Nevertheless, visibility at the access is a matter that can be considered further at the reserved matters stage.

Conclusion

38. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain
INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall commence before the expiration of two years from the final approval of the reserved matters, or, in the case the reserved matters are approved on different dates, the final approval of the last such reserved matter to be approved.
- 2) Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.
- 3) This permission is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010) and before work on the development is begun, approval of the details of the access, appearance, landscaping, layout and scale [hereinafter called the "reserved matters"], shall be obtained from the local planning authority.
- 4) The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 0100-P01 and 0101-P01 received by the Local Planning Authority on 22nd December 2017.
- 5) In the event that contamination which has not already been identified to the Local Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.
- 6) Prior to commencement of development, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. It shall also detail

measure to minimise the impacts on wildlife and Purdis Heath SSSI. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

- 7) No development shall take place within the appeal site 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;
 - B. The programme for post investigation assessment
 - C. Provision to be made for analysis of the site investigation and recording
 - D. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - E. Provision to be made for archive deposition of the analysis and records of the site investigation
 - F. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - G. 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.
- 8) 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 7 and the provision made for analysis, publication and dissemination of results and archive deposition.
- 9) No development shall commence until a detailed surface water strategy for the site has been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 10) Prior to the use commencing, details of an external lighting scheme shall be submitted to and approved by the Local Planning Authority. External lighting shall thereafter be implemented in accordance with the approved details and no additional external lighting shall be installed.
- 11) No development shall commence until a Ecological Mitigation Strategy for the site, which addresses the potential impacts to the SSSI, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Ecological Mitigation Strategy.