



Department for  
Communities and  
Local Government

CH Architects  
Clerkenwell House  
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London  
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Our Ref: APP/R3515/V/15/3004099

13 June 2016

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION BY MR JOHN RICHARDSON OF IPSWICH BOROUGH COUNCIL:  
AREAS U, V AND W, RAVENSWOOD, NACTON ROAD, IPSWICH, SUFFOLK  
APPLICATION REF: IP/14/00435/FP13**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Melissa Hall BA(Hons) BTP MSc MRTPI, who held a inquiry on 9 September 2015 into your client's application to Ipswich Borough Council ('the Council') for full planning permission for the development of 94 new residential dwellings on brownfield sites Ravenswood UVW comprising a mixture of houses and flats, in accordance with application ref IP/14/00435/FP13, dated 30 April 2014.
2. On 30 January 2015, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority, Ipswich Borough Council, after consideration of policy on calling-in applications.

**Inspector's recommendation and summary of the decision**

3. The Inspector, whose report is enclosed with this letter, recommended that planning permission be granted. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation, and refuses planning permission. All references to paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR).

**Procedural matters**

4. The Secretary of State is satisfied that no party is prejudiced by consideration of the updated surveys (IR2).

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## **Policy Considerations**

5. In deciding the application, 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. In this case, the development plan comprises the adopted Core Strategy and Policies Development Plan Document 2011 (CS). The Secretary of State agrees with the Inspector (IR10) that the most relevant policies to this application are those listed at IR11-14.
6. The Secretary of State notes that the Council produced a draft Core Strategy and Policies Development Plan Document Review (CS Review) in November 2014, that this was submitted for examination in December 2015 and that the examining Inspector issued his Stage 1 interim findings on 19 April 2016. However the CS Review examination has yet to be concluded. As the Review is still liable to change, the Secretary of State attributes limited weight to it.
7. Other material considerations which the Secretary of State has taken into account include the Framework, the associated planning guidance published in March 2014; and the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

## **Main issues**

8. The Secretary of State agrees with the Inspector at IR77, that the main issue is whether the proposal would deliver a wide choice of high quality homes, widen opportunities for home ownership and create a sustainable, inclusive and mixed community.

### *Housing land supply*

9. The Secretary of State agrees with the Inspector's assessment at IR78-83 regarding housing land supply. The Borough does not have a 5 year housing land supply and Paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date if a 5-year supply of deliverable housing sites cannot be demonstrated. The Secretary of State agrees that the contribution that the proposed development would make to the short term housing land supply deficit in terms of housing delivery would represent a significant benefit of the scheme (IR84).

### *Mixed communities*

10. For the reasons given at IR85, the Secretary of State agrees with the Inspector's conclusion at IR86 that new housing developments would need to be substantially or wholly affordable to meet the assessed need.
11. Like the Inspector and for the reasons given at IR87-93, the Secretary of State considers that the proposed scheme for 100% affordable housing would not be fundamentally at odds with the sentiments of Policy CS12. The Inspector also noted that the Framework does not prescribe a mix or size of tenure block in an urban environment such as this (IR94). However in this case the CS includes a policy relating to the size of clusters of affordable housing, so the Secretary of State has given this careful consideration below.

### *Home ownership*

12. The Secretary of State agrees with the Inspector that, for the reason at IR95, the proposal would be consistent with the aspirations of paragraph 50 of the Framework to widen the opportunities for home ownership for those currently unable to do so in the open market.

### *Clustering of affordable housing and design*

13. The Secretary of State has carefully considered the Inspector's reasoning and conclusions at IR96-102. Policy DM24 in the adopted CS states at criterion (c) that affordable housing should not generally be grouped in clusters of more than 12-15 units. The Secretary of State considers Policy DM24 to be a relevant policy for the supply of housing and as the local planning authority cannot demonstrate a five year supply of deliverable housing sites, it should not be considered to be up-to-date (in terms of Framework paragraph 49). Nevertheless the Secretary of State considers that this policy has an important role in achieving inclusive and mixed communities (paragraph 50 of the Framework) and this in turn assists with achieving strong, vibrant and health communities (paragraph 7 of the Framework) and he finds no conflict between this policy and the Framework. He considers that Policy CS Policy DM24, including criterion (c), should therefore carry significant weight.
14. All the housing in the proposed development are affordable dwellings (IR21) and therefore come within the scope of Policy DM24 criterion (c). The Secretary of State has examined the plan of the overall layout of Ravenswood that the Council passed to the Inspector which shows how affordable housing units already built in parts of Ravenswood have been grouped in the context of the overall layout (IR97). The Secretary of State notes the point made in the Council's Inquiry evidence that a large proportion of affordable housing in existing parts of Ravenswood are in larger groupings than proposed in CS Policy DM24. However, the Secretary of State observes that the current proposal for a single cluster of 94 affordable units is substantially larger than any of the existing groupings.
15. The Secretary of State accepts that the design, layout and external appearance of existing clusters of affordable housing are indistinguishable from the open market housing across Ravenswood (IR98). He also accepts the Council's point that integration of the affordable housing element is not solely achieved by limiting the cluster size, and that a scheme of the highest quality sustainable design is proposed on a prime part of Ravenswood, and this would also assist with integration (IR99). It is of course indisputable that high quality design and layout make a significant contribution to creating sustainable, balanced communities (IR100), as required by paragraph 50 of the Framework. The Secretary of State agrees with the Inspector that the design of the development is such that it would complement the existing built form of Ravenswood and incorporate principles and landscape features which would create a pleasant environment in which to live. Thus the development would not be sited in the least desirable part of Ravenswood, be easily identified as affordable rather than open market housing or represent housing which is of an inferior design quality to that which currently exists at Ravenswood. With the exception of the issue of cluster size, considered below, the Secretary of State agrees that the proposal

would make a significant contribution to creating sustainable, balanced communities, and that in terms of dwelling size, design, and mix of tenures of affordable housing, the proposal would contribute to delivering a wide choice of quality homes, consistent with the aspirations in paragraph 50 of the Framework (IR100).

16. The Secretary of State agrees with the Inspector that there is no substantive evidence that the scheme has the potential to attract anti-social behaviour (IR101).
17. As mentioned at paragraph 15 above, the Secretary of State agrees that the integration of affordable housing is not solely achieved by limiting cluster size and is in part achieved through design considerations (IR99-100). He considers that the proposal accords with Policy DM24 in all respects other than criterion (c). Nevertheless, he takes the view that Policy criterion (c), which limits the size of clusters of affordable housing, is a measure that makes an important contribution to the integration of affordable housing in residential development.
18. The Secretary of State considers that the very large cluster of affordable housing that the proposal would create in one part of Ravenswood would conflict with criterion (c) of Policy DM24. In reaching this conclusion, the Secretary of State is mindful that the explanatory text to the Policy DM24 at CS paragraph 9.130 states that the requirement to avoid clusters of more than 12 to 15 affordable units is a general guide and that the size of clusters may need to vary with the overall size of a development and with the design and layout, with the objective to achieve developments in which the affordable units are truly integrated into the market housing and are also practical for management purposes (IR96). However in this case the scheme represents an enormous deviation from the cluster size referred to in criterion (c) (12-15 units), as the proposal involves the provision of 94 units of affordable housing.
19. The Secretary of State has also taken into account the point in the Council's Inquiry evidence that a large proportion of affordable housing clusters in already built areas of Ravenswood are larger than stipulated in CS Policy DM24. He has therefore examined the plan of the estate referred to at IR97 and he agrees with the Inspector that the cluster sizes vary across Ravenswood (IR98). The Secretary of State observes that none of the individual clusters elsewhere in Ravenswood are anywhere near the number of units now proposed as a single cluster of 94 units on areas U, V and W combined. Rather, the proposal before him represents a huge cluster of affordable housing that is a marked increase on the size of any existing clusters elsewhere on Ravenswood.
20. The Secretary of State considers that despite the high quality of physical design and despite the mix of different tenures of affordable housing, a single cluster of 94 affordable units would conflict with the objective of Policy DM24 to achieve developments in which the affordable units are truly integrated into the market housing. Consequently he also considers that so large a cluster would conflict with the aim at Framework paragraph 50 to create inclusive and mixed communities.

### *Other matters*

21. The Secretary of State agrees with the Inspector's reasoning and conclusions on the matters addressed at IR 104 - 105, except that he considers that substantial harm would result from the proposal for the reasons above regarding non-compliance with Policy DM24.
22. The Secretary of State also agrees with Inspector's conclusions regarding highway matters, the effect on existing infrastructure and the provision of waste / recycling facilities (IR106).

### **S106 Planning Obligations**

23. Like the Inspector, the Secretary of State is satisfied that the requirements of the completed, signed and dated Section 106 Agreement referred to at IR3 are in accordance with paragraph 204 of the Framework and the CIL Regulations 2010 as amended (IR108). However, he does not consider that the requirements of the Agreement are sufficient to overcome his reasons for refusing planning permission.

### **Conditions**

24. The Secretary of State has considered the Inspector's assessment on the proposed planning conditions at IR109-125. He is satisfied that the conditions recommended by the Inspector and set out at Annex A of the IR meet the tests of paragraph 206 of the Framework and comply with the planning practice guidance. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

### **Planning balance and overall conclusions**

25. The Secretary of State considers that the proposal is in accordance with the development plan as a whole despite what he regards as a conflict with an important part of CS Policy DM24 for the reasons at paragraphs 17 - 21 above. He has however gone on to consider whether there are material considerations to justify determining the appeal otherwise than in accordance with the development plan.
26. Ipswich Borough cannot demonstrate a five-year supply of deliverable housing sites, so the relevant policies for the supply of housing, including CS Policy DM24, cannot be considered up-to-date in terms of Framework paragraph 49. Consequently the presumption in favour of sustainable development requires that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. The Secretary of State agrees with the Inspector that the proposal would provide a high quality built environment in a very accessible location, would make a significant contribution to affordable housing, assist in the delivery of a wide choice of high quality homes and widen opportunities for home ownership (IR127-128). The Secretary of State places considerable weight on the housing benefits in the overall balance. He also places modest weight on the economic benefits arising from housing construction.

28. Though Policy DM24 cannot be considered up to date, it has an important role in achieving inclusive and mixed communities (Framework paragraph 50) and this in turn assists with achieving strong vibrant and health communities (Framework paragraph 7) on which the Secretary of State places considerable importance. For the reasons at paragraphs 17 - 20 above the Secretary of State considers that the proposed single cluster of 94 affordable units would conflict with the objective of Policy DM24 to achieve housing development in which the affordable units are truly integrated into the market housing. The Secretary of State places substantial weight on the conflict with criterion (c) of Policy DM24 and the corresponding conflict with one of the aims at paragraph 50 of the Framework - to create inclusive and mixed communities.
29. Overall, the Secretary of State concludes that the adverse impact in this case significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole.

### **Formal decision**

30. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation and refuses planning permission for the development of 94 new residential dwellings on brownfield sites Ravenswood UVW comprising a mixture of houses and flats, in accordance with application ref IP/14/00435/FP13, dated 30 April 2014.

### **Right to challenge the decision**

31. 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 six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
32. A copy of this letter has been sent to Ipswich Borough Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

*Julian Pitt*

**Julian Pitt**

Authorised by the Secretary of State to sign in that behalf

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# Report to the Secretary of State for Communities and Local Government

by Melissa Hall BA(Hons) BTP MSc MRTPI

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

Date: 22 October 2015

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Town and Country Planning Act – Section 77  
Application made by Ipswich Borough Council

to Ipswich Borough Council

For new residential development on brownfield sites Ravenswood UVW comprising a mixture of houses and flats. A total of 94 dwellings are to be constructed.

Inquiry held on 9 September 2015

Areas U, V and W, Ravenswood, Nacton Road, Ipswich, Suffolk

File Ref(s): APP/R3515/V/15/3004099

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**File Ref: APP/R3515/V/15/3004099**

**Areas U, V and W, Ravenswood, Nacton Road, Ipswich, Suffolk**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 30 January 2015.
- The application is made by Mr John Richardson of Ipswich Borough Council to Ipswich Borough Council.
- The application Ref IP/14/00435/FP13 is dated 30 April 2014.
- The development proposed is new residential development on brownfield sites Ravenswood UVW comprising a mixture of houses and flats. A total of 94 dwellings are to be constructed.
- The reason given for making the direction was the consideration of policy on called-in applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: *Policies in the National Planning Policy Framework on delivering a wide choice of high quality homes, in particular those set out in paragraph 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and creating sustainable, inclusive and mixed communities.*

**Summary of Recommendation: That planning permission be granted, subject to conditions and a S106 Legal Agreement.**

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**Procedural Matters**

1. Ipswich Borough Council (IBC) is both applicant and Local Planning Authority (LPA). I shall use Council or applicant in this report when referring to the applicant and LPA when referring to the Council as the local planning authority.
2. At the Inquiry I was provided with copies of the Reptile Survey and Mitigation Strategy dated 12 June 2014, the Breeding Bird Survey dated 18 September 2014, the Botanical Survey dated 18 September 2014 and the Bat Survey dated 18 September 2014. Although I had not previously had sight of the documents, which updated the original surveys undertaken, I understand that they were submitted during the course of the application and formed the basis on which the Suffolk Wildlife Trust made representations. I am therefore satisfied that no party would be prejudiced by my consideration of the updated surveys in coming to my recommendations.
3. A S106 Legal Agreement (S106A) was drafted during the course of the application, which was subject to negotiation and review between Suffolk County Council (SCC), IBC, the LPA and the applicant. At the start of the Inquiry, I was provided with a copy of the completed, signed and dated S106A.

**The Site and Surroundings**

4. Ravenswood is a new community created as a result of the re-development of the former Ipswich Airport. The residential element comprises a mix of houses and flats of both a contemporary and more traditional design.
5. The application site is some 2.2ha, located to the west of Ravenswood and identified as Areas U, V and W. It is irregular in shape, relatively flat with a frontage onto Downham Boulevard. It is bounded by the Ravenswood Community Primary School to the north east, Fen Bight Circle to the south west and a public footpath to the rear boundary separating it from the playing



fields associated with the Ipswich Academy and Gainsborough Sports and Community Centre beyond.

6. It lies in relatively close proximity to a district centre and a designated employment area, together with public transport and cycle routes.
7. The site fronts Downham Boulevard, which is typified by strong landscape features such as the public open space and drainage basins associated with the Sustainable Urban Drainage (SUDS) adopted throughout the wider development. It has a strong urban form to one side of the boulevard, which is characterised by a mix of three storey dwellings of a contemporary design and a five storey block of flats at the end of the boulevard.
8. Fen Bight Circle has a large play space at its centre. Single storey buildings are arranged in long curved terraces following the shape of the road whilst three storey elements are used to mark the ends of the terraces.
9. The existing development to which the site most closely relates is a mix of buildings styles and design, with a varied palette of materials and colours together with a variety of roof planes.

### **Planning Policy**

10. The development plan for the area comprises the adopted Core Strategy and Policies Development Plan Document 2011 (CS). The LPA's Proof of Evidence lists all policies relevant to the consideration of this proposal; whilst these have been taken into account, the policies most pertinent to matters at issue are outlined as follows.
11. Policy CS7 identifies the amount of new housing required during the plan period. It seeks continuous housing delivery for at least 15 years from the adoption of the plan and states that land will be allocated to provide for at least an additional 4,786 dwellings net to be provided in the Borough by 2022.
12. Policy CS8 states that a mix of dwelling types will be planned for in order to achieve mixed and sustainable communities. It adds that exceptions to this approach will only be considered where *inter alia* a different approach is demonstrated to better meet housing needs in the area or a different approach would expedite the delivery of housing needed to meet targets and is acceptable in other planning terms.
13. This aspiration is reinforced in Policy CS12 which deals specifically with the provision of affordable housing to meet identified need in Ipswich. It requires all new development of 15 dwellings or more to include provision for 35% affordable housing. The Policy states that at least 80% of affordable housing should consist of social rented housing, subject to viability.
14. CS Policy DM24 advances the aims of Policy CS12, and confirms that the presumption will be in favour of on-site affordable housing provision which is integrated into developments, indistinguishable from the market housing and should not be grouped in clusters of more than 12-15 units. It confirms that the appropriate type, size and mix will be determined by the findings of the most up to date Housing Needs Survey (HNS) and Strategic Housing Market Assessment (SHMA) and the particular characteristics of the site.

15. IBC produced its Core Strategy and Policies Development Plan Document Review (CS Review) in November 2014, but it has not yet progressed to Examination. However, the above aims are generally carried forward in corresponding and reviewed Policies CS8 and DM24. Meanwhile, Policy CS7 identifies an objectively assessed and revised housing need of 13,550 dwellings in the period up to 2031. Policy CS12 proposes to reduce the requirement for affordable housing provision on sites of 15 dwellings or more to 15% on sites other than the Ipswich Garden Village, and for 80% of that provision to consist of affordable rented homes or homes for social rent.
16. Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 adds that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
  - Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
  - Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
  - Where they have identified that affordable housing is needed, set policies for meeting this need on-site ...and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
17. The National Planning Practice Guidance (PPG) supports the policies in the NPPF on a range of matters where further guidance is required. Of particular relevance in respect of affordable housing is paragraph 022 revised on 6 March 2014, which states that plan makers will need to estimate the number of households and projected households who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market. This calculation involves adding together the current unmet housing need and the projected future housing need and then subtracting this from the current supply of affordable housing stock.

## Planning History

18. Outline planning permission was granted in 1998 for new housing development of 1000 homes in the new neighbourhood of Ravenswood<sup>1</sup>. I understand that the application site was included in the masterplan accompanying the outline planning permission. However, the LPA has confirmed that this permission has expired.
19. The outline permission was varied in 2004, to increase the number of dwellings to 1,200<sup>2</sup>. A further outline planning permission for residential development of Areas S, T, U, V and W was granted in 2007, which allowed for a total of 1,250

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<sup>1</sup> Outline planning permission Ref I/98/0314/OUT refers.

<sup>2</sup> Planning permission 04/00373/VC13 refers.

dwellingings to be built at Ravenswood<sup>3</sup>. Reserved matters were subsequently approved for 78 dwellingings on Areas S and T<sup>4</sup>.

20. I am told that Area S has been completed with the construction of 37 dwellingings, whilst only 13 dwellingings have been constructed at Area T; a planning application is yet to be determined for the remainder of Area T for the construction of 44 dwellingings<sup>5</sup>.

### **The Proposal**

21. The development would consist of 94 affordable dwellingings; a mix of bungalows houses and flats with 68 properties for affordable rent, 24 for shared ownership and 2 for social rent.
22. Affordable rent is a form of low cost rent which has the same characteristics as social rented housing except that it is outside the national rent regime, but is subject to other rent controls that require it to be offered to eligible households at a rent of up to 80% of local market rents. Shared ownership is defined as leasehold properties where a tenant can purchase between 25% and 75% of the property, and pay rent on the remainder. Social rent is rented housing provided by registered providers of social housing that is within the national rent regime.
23. The dwellingings fronting Downham Boulevard would be three storey, two and four bedroom properties with a consistent set back and means of front boundary enclosure. A block of flats would face onto Fen Bight Circle, which would increase in height from two storeys in the west to four storeys in the east.
24. To the rear of the site, the scale of the development reduces to two storeys with a crescent set behind the Downham Boulevard frontage and four home zone areas, which are a mix of houses and flats.
25. Parking would be provided in the form of on-plot spaces for the dwellingings, a parking court to serve the flats and parking bays along the access road.
26. Public open space and landscape features are incorporated throughout the development, some of which would be used for the drainage of surface water from the access roads.

### **Agreed Facts**

27. A signed Statement of Common Ground (SOCG) has been prepared between the Local Planning Authority, the applicant and the Ravenswood Residents Association (RA).
28. Subject to conditions and undertakings, there are no objections to the proposal in respect of the principle of the development and detailed matters of design, access and parking, drainage, living conditions, ecology and archaeology.

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<sup>3</sup> Outline planning permission IP/07/00765/OUT refers.

<sup>4</sup> Reserved Matters Ref IP/08/0246/REM refers.

<sup>5</sup> Planning application Ref IP/14/00564/FUL refers.

29. It is agreed that the commitment made via a S106 Agreement for the delivery of education, pre-school and libraries provision is in line with that requested by SCC and secures an appropriate level of provision required to mitigate the effects of the proposed development.

### **The Case for the applicant**

*The applicant's case is fully set out in its evidence, including its opening submissions. The main points are:*

30. The proposal will deliver 94 units of much needed housing on a site which the market failed to bring forward. Following unsuccessful attempts to market the site for open market housing between 2009 and 2012, IBC revised its strategy and the proposal represents the applicant's pilot programme for the delivery of affordable rented and shared ownership properties.
31. This is part of a broader programme which seeks to support the wider Ipswich community through economic investment and the provision of wider housing tenures to support the market. The bid for funding under the Government's Affordable Housing programme 2015-2018 was successful and there is no impediment to the inclusion of the scheme in the Homes and Communities Agency's programme. However, this agreement needs to be obtained in advance of 30 May 2016 and properties attracting funding have to be completed by March 2018.
32. The 2012 Ipswich and Suffolk SHMA identified a need for 584 affordable homes per year in Ipswich. The difficulties faced are demonstrated by the fact that in the period since the adoption of the CS only 546 dwellings have been completed across all developments within the Borough.
33. The demand for social housing is based on a Choice Based Lettings system (CBL), with in excess of 3,000 households registered. A snapshot of the portfolio from January 2015 demonstrates the largest demand is for one and two bedroom properties.
34. Given the large gap between income and house prices in Ipswich, home ownership is not a realistic option for first time buyers unless they utilise options such as shared ownership. The development of mostly one and two bedroom units is ideally suited to meet this need.
35. Private rented accommodation is not affordable for almost 50% of the working population in Ipswich, having regard to the 2007 Department for Communities and Local Government advice that a household should not need to spend more than 25% of their gross income on housing costs. The proposed scheme caters for a range of household needs and affordability levels with different sized properties and affordable rent or shared ownership tenures.
36. Government policy and programmes that support house building through capital funding demonstrate the need for more housing across a range of affordable tenures. The number of affordable homes being delivered has dropped significantly since 2011.
37. The evidence demonstrates that negligible affordable housing is currently being brought forward on private developments mainly due to financial viability and market conditions.

38. A Housing Needs Survey (HNS) was undertaken in 2014, which indicated that 52% of people expecting to move out of their current homes in the next three years to form new households would have to rent privately. This implies that future demand for affordable housing is likely to increase. In light of the housing assessments and surveys undertaken together with issues of demand and affordability, it is evident that there is an immediate requirement for more affordable housing in the Borough including tenures such as affordable rent and shared ownership.
39. The proposed development therefore provides the opportunity to deliver much needed affordable houses across a range of tenures. Tenure needs to be considered in the wider and true context of income, ethnicity, social and environmental or place; people interact with the place they live in to create neighbourhoods and good urban design promotes this interaction as described in the Department for Communities and Local Government Mixed Communities Evidence Review, November 2010. A truly sustainable community will make appropriate provision to meet the need for intermediate housing. At present, Ravenswood makes almost no provision for these tenures, notwithstanding that it stands in excess of 1,000 units.
40. The Council is experienced in managing social tenancies; the tenancy conditions, code of conduct, tenancy agreement and tenant's handbook, together with a proactive inspection programme, ensure that the properties are managed responsibly. The low levels of anti-social behaviour in a number of local examples of concentrations of single tenures managed by IBC in excess of the numbers proposed for Ravenswood demonstrate its effectiveness. Whilst a development may be private, this does not necessarily mean it will be free from problems such as anti-social behaviour. It is a generalisation that social rented properties result in anti-social behaviour.
41. The site lies in a highly sustainable location, close to services, facilities employment and leisure and recreation facilities and where there are significant opportunities to make use of modes of transport other than the private car. The quality of design is exceptional, the standards of amenity will be high and the tenures available are those which are barely represented at Ravenswood currently. The proposed development is demonstrably sustainable and should be permitted.

### **The Case for the Local Planning Authority**

*The LPA's case is fully set out in its evidence. The main points are:*

42. The proposal is generally in accordance with the development plan, but where there is conflict, in particular with reference to affordable housing, material considerations indicate that planning permission should be granted.
43. The LPA considers the proposal to be sustainable development as described in the NPPF.
44. The adopted CS has a target to allocate land for 14,000 dwellings to be built between 2001 and 2021, which equates to 700 homes per year. The CS Review has an objectively assessed housing need of 13,550 dwellings at 677 dwellings per annum. The housing need of Ipswich has been objectively

assessed as part of the Housing Needs Study 2005, which has been partly updated through the SHMA in 2008 and 2012.

45. The IBC Authority Monitoring Report (AMR) demonstrates housing delivery to be below that set by the relevant policies of the CS. Housing delivery in the period between 2001 and 2011 was 6,903. Between 2011 and 2014, only 546 dwellings have been completed. Overall, this results in 1,554 dwellings fewer than the requirements of the adopted CS.
46. Housing projections within the most recent AMR in 2014 indicates a 5 year housing supply trajectory of 3,288 dwellings. This equates to a supply of 3.9 years.
47. IBC is therefore unable to demonstrate a 5 year supply of housing land as required by the NPPF and therefore the development plan policies for the supply of housing are to be treated as out of date.
48. The undersupply of market housing and viability constraints have had an adverse impact on delivery of affordable housing in Ipswich. Between 1996 and 2001 the AMR indicates that affordable housing completions were just 20% and between 2001 and 2014 this figure rose marginally to 22% as a percentage of all new homes.
49. Delivery of affordable housing is below that set by the CS. The Authority's AMR evidence from preceding years indicates that the delivery of affordable housing has been below that which would meet the demand. As such, the level of market housing that is being delivered is not meeting the identified need for Ipswich.
50. The need for affordable housing is compelling, and given the lack of a 5 year housing supply and affordable housing delivery that is not meeting the objectively assessed need through proportionate levels of market housing development, alternative methods of delivery must be given significant weight, particularly where they are shown to be deliverable and sustainable.
51. Affordable housing comprises a total of 28% of Ravenswood; a large proportion of these are in groupings larger than those advised in the development plan policies.
52. Areas U, V and W are in the ownership of IBC and have previously been offered for public sale for market housing; whilst there was interest in the site no offers progressed to sale or a planning application. The site is an integral part of the wider Ravenswood community, with amenities facilities and infrastructure having been provided in accordance with the original master plan.
53. The overall design of the scheme is of a particularly high standard that would ensure the resultant dwellings would be sustainable and in keeping with the prevailing character of the surrounding area. The spatial qualities of the scheme would support the integration of the development into the wider Ravenswood area.
54. The development would meet the tests outlined in the NPPF in terms of planning obligations. A Section 106 Agreement would provide for education provision, pre-school places and libraries.

## **The Case for Ravenswood RA**

*The RA's case is fully set out in its evidence. The main points are:*

55. There is no objection to affordable housing in principle, and the need for the delivery of further affordable housing is recognised.
56. The proposal fails to meet national and local planning policy intentions. The development plan policies and the planning brief for the site require a mix of dwelling types and sizes in order to achieve mixed and sustainable communities. IBC's Housing Strategy identifies the mix for Areas U, V and W as family homes including affordable homes, some 4 bed+ and bungalows, some adapted for older people and others.
57. The proposal would result in the concentration of relatively large numbers in one of the smallest phases of the overall development. The general principle that affordable housing should be in clusters of 12-15 units should be adhered to in order to achieve developments in which affordable units are truly integrated into the market housing.
58. The original proposal for 100% social housing did not comply with the national and local planning policy requirements. The Council has made clear that the tenure mix has changed due to a successful bid for HCA funding. Although the scheme has been amended, the tenure mix is still not sufficiently balanced to achieve an inclusive and mixed community.
59. In the earlier stages of Ravenswood, developers were required to provide 25% affordable housing; it is only since 2008 that the requirement has increased to 35%. To justify the current proposal by calculating the percentage of affordable against the whole of Ravenswood is a complete distortion of the policy intention.
60. The Council has justified increasing the affordable housing provision against the need evidenced in the choice based lettings register. However, the proposal does not reflect the current housing market as a whole, where there is demand for all types of housing across Ipswich. There is also a significant need for houses for families and first time buyers.
61. IBC's Executive Committee did not support any other options put forward for this site, other than for 100% social housing. It has alternative sites on which to build affordable housing to contribute to meeting its targets.
62. Zoning housing by tenure type is not fair on IBC's tenants, who should be able to live in an inclusive, mixed and balanced community as much as someone who has bought their own home.
63. The scheme has suffered delay as a result of poor communication, inadequate consultation in the early stages and misinformation to local residents.

## **Written Representations**

64. SCC considers that the S106A offered by the Council is acceptable. There is a need to address the Community Infrastructure Levy (CIL) Regulation 123 pooling restrictions. A CIL Regulation 122 compliant contribution of £34,841 is

sought for early years development, £170, 534 for primary school places and £16,632 for library provision in order to mitigate local impacts. In terms of compliance with CIL Regulation 123, SCC has not entered into 5 or more obligations for enhancing early years provision at Ravenswood Community Primary School Nursery, primary school places at Ravenswood Community Primary School or enhanced library provision at Gainsborough Community Library, respectively.

65. In respect of highways matters, SCC confirms that an acceptable transport assessment has been received. However, conditions should be attached to any planning permission relating to a waste minimisation and recycling strategy, SUDS provision and fire hydrants.
66. SCC's archaeological services team advised that the development affects an area of high archaeological potential and a condition is recommended in the event of planning permission being granted requiring a programme of archaeological work.
67. IBC's Property Services, Environmental Health and the Waste and Environmental Services, together with Anglian Water and NHS England, offer no objection to the development.
68. IBC's Engineer considers that the calculations and Flood Risk Assessment (FRA) are sound but that further details of highway design and SUDS are required.
69. IBC's ecologist has advised that reptile mitigation would need to be agreed, in particular reptile translocation.
70. Ipswich Conservation and Design Panel considered the design to be a positive approach to a difficult site, with praise for the variety and potential quality of the buildings fronting Downham Boulevard and the treatment of the flats on Fen Bight Circle. There was some concern expressed regarding the sameness of housing design within the site and the 100% social housing provision rather than creating a mixed tenure, as is usually preferred.
71. The Environment Agency has requested a condition requiring the development to be carried out in accordance with the submitted FRA and the mitigation measures identified therein.
72. Suffolk Wildlife Trust requests a condition relating to reptile translocation as mitigation. The mitigation measures identified in the bat and breeding bird surveys should be implemented in the event of planning permission being granted.
73. Representations have been made by Ben Gummer MP confirming that, in broad terms, the design and plans submitted by the Council are supported as are the powers being exercised to start building houses which provide an essential component of the housing stock in Ipswich. Following pressure from residents, the Council has introduced a limited number of houses that will be sold for shared ownership; however, the development will still be predominantly of a single tenure type. Attitudes to the mix of houses in new development have shifted considerably in the last forty years, moving away from zoning according to tenure. The planning application does not measure up to the spirit of the NPPF and would not create a mixed or truly inclusive community.



Whilst the proposal would meet one particular housing need, it does not reflect the full range of local demand. The development, if allowed, would set a precedent for zoning in future new developments, which would run counter to the NPPF and IBC's own planning policy. This would encourage the worst types of development where social tenants and those in shared ownership would be situated on the most distant parts of new development, furthest from amenities and transport facilities.

74. The concerns raised by residents relate primarily to the following matters:

- The development does not conform to the mixed tenure strategy that has made Ravenswood a successful and thriving area. An alternative mix of 44 shared ownership properties, 48 affordable rent properties and 2 social rent properties would represent a compromise.
- There is already sufficient affordable housing at Ravenswood.
- The majority of the proposed homes are for 1 or 2 bedrooms and the types of tenants these properties are likely to attract will undermine the current family / single balance.
- Alternative sites need to be found to achieve the target of 100 affordable units and secure the funding currently available.
- The proposal is contrary to IBC's policies. Integrated social housing is more successful and does not isolate communities. A mixed tenure model leads to greater sense of ownership.
- There are already severe problems with the huge volumes of traffic and the development would exacerbate this problem. There is minimum space for parking and no visitor spaces whatsoever.
- The proposal would result in anti-social behaviour, a rise in crime and noise pollution and it would become an undesirable part of the area, affecting property prices throughout Ravenswood.
- There would be demand on existing infrastructure, in particular doctors and schools spaces.
- Inadequate consultation has been carried out with the existing residents of Ravenswood.
- It would be a high density development that cannot be environmentally sound for its future residents or neighbours.
- Although the Council has been unable to attract a private developer, the last invitation to tender was in 2011. The economy and housing market have dramatically changed since then. It should therefore be re-tested.
- The loss of the existing trees on the site is not supported.
- The proposal is driven by politics.
- The area allocated for waste and recycling is inadequate.

*Full details of the residents' representations can be found at Document A.*

## **Conditions and Obligations**

75. The LPA submitted a listed of conditions it considered necessary in the event of planning permission being granted which, aside from a time limit for commencement of development and a requirement to comply with the approved drawings, relate to matters of landscaping, levels, infrastructure, highways, flooding, drainage, archaeology, land contamination, ecology, management and maintenance arrangements of SUDS and landscaping, construction management, and the removal of permitted development rights.
76. The obligations in the S106A include contributions towards early years development, primary school places and library provision.

## Conclusions

*Numbers in parentheses relate to preceding paragraphs.*

*These conclusions are based on the evidence given at the Inquiry and the written representations made as summarised above, and the findings of my inspection of the site and its surroundings.*

77. I consider the main issue to be whether the proposal would deliver a wide choice of high quality homes, widen opportunities for home ownership and create a sustainable, inclusive and mixed community.
78. The CS sets the strategy for future development of Ipswich to 2027 and comprises the adopted development plan for the area. Policy CS7 identifies the amount of new housing that would be required in Ipswich between 2001 and 2021 [11].
79. The corresponding policy in the CS Review document sets a target until 2031 in terms of the number of dwellings required to meet the identified need [15]. Whilst the relevant policies contained in the review provide a clear indication of the housing land requirement, it has not yet been verified as part of the Examination process. The extent to which the policies may change is therefore unknown. As a consequence, it carries limited weight.
80. Nevertheless, the figures derived in the CS Review were based on an objectively assessed need. With the most recent evidence from 2014 showing a housing land supply of only 3.9 years, it is clear that the land allocated for housing falls short of that required to accommodate objectively assessed need [44,45,46].
81. The NPPF does not change the statutory position, which is that a proposal must be determined in accordance with the development plan unless material considerations indicate otherwise<sup>6</sup>. Paragraph 211 also makes clear that development plan policies are not out-of-date just because they were adopted prior to the Framework. The relevant matter is to consider their consistency with the policies in the Framework.
82. However, the NPPF also advises that policies for the supply of housing should not be considered up-to-date if a five year supply of deliverable housing sites cannot be demonstrated.
83. It is common ground that the Borough does not have a 5 year land supply; there is no evidence before me that leads me to any other conclusion in this regard. In this context, it is agreed that there is a shortfall of supply against the most up to date expression of the requirement.
84. Paragraph 47 of the NPPF seeks to boost housing delivery significantly. In this context, the proposed development would make a contribution to the short term housing land supply deficit. Housing delivery would therefore represent a significant benefit of the scheme. Nevertheless, I must have regard to the

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<sup>6</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

NPPF as a whole and I am aware of the advocacy of mixed communities. Thus, I consider this aspect below.

85. Since the objectively assessed need is not being met, the potential for the delivery of affordable housing is also limited. I heard from the applicant that, based on the objectively assessed need and the SHMA, 80% of new housing delivered to meet need would have to be affordable [32,44].
86. It therefore follows that new housing developments would need to be substantially or wholly affordable, if need is to be met. The alternative, where need remains unmet, is in itself an unsustainable approach.
87. The proposal reflects the needs of those who cannot afford housing on the open market. Insofar as the applicant is embarking on a pilot programme of intermediate housing, the proposal would make provision for tenure types which are currently under represented in the existing Ravenswood development [30, 38,39]. The size of the units, which are primarily 1 and 2 bed properties, reflect that for which the CBL system identifies a demand [33].
88. The RA does not dispute that substantial affordable housing is needed within the housing market area. Instead it queries why the alternative options put forward to IBC's Executive Board, including the potential for an element of open market housing, were not considered together with the inclusion of other sites to deliver affordable housing across Ipswich.
89. The applicant confirmed the alternative options were considered, albeit discounted. Owing to time restrictions in relation to grant funding from the Government's Affordable Housing Programme 2015-2018 together with the shortage of suitable and available land within the Borough, the application site was the only site available which met the requirements of the pilot project [31]. It therefore represents a realistic, deliverable option for bringing forward new housing and, in particular, affordable housing development.
90. Notwithstanding this, the CS8 policy requirement to provide a mix of dwelling type is not prescriptive as to how such a mix should be derived [12]. Rather, it requires an understanding of *inter alia* the nature and needs of the existing and projected future households. The mix proposed is evidently based on IBC's HNS and SHMA. In any event, whilst it may not provide the mix of dwelling type anticipated by interested parties as being consistent with the original intentions for Ravenswood, the policy allows for a different approach to be taken where it can be demonstrated to better meet housing need in the area. This is the case here.
91. Policy CS12 refers to a 35% affordable housing provision in developments of 10 or more dwellings [13]. Nevertheless, this is not a maximum standard, as intimated by the policy wording which refers only to 'reducing' the requirement for affordable housing provision in an open market development where viability is an issue. That is, it does not preclude increasing the amount of affordable housing provision.
92. I accept that the Policy also indicates that at least 80% of affordable housing should be for social rent. However, from my reading of the amplification to this Policy this requirement is driven by the objective of balancing need with the requirements of the development industry whilst ensuring schemes are

delivered. I do not disagree with the applicant's contention that it therefore relates primarily to market led schemes with the potential for market housing to subsidise the affordable housing element and that the application before me is specifically tailored to meeting a different need.

93. Furthermore, at the time of adoption of the CS it is clear that there had been difficulty disposing of shared ownership units and that the high level of need for rented housing was ongoing. I heard from the applicant that this position has now changed based on, amongst other things, its HNS from 2014 [38]. I have no reason to dispute this.
94. In the context of the above, I am of the view that the proposed scheme for 100% affordable housing would not be fundamentally at odds with the sentiments of Policy CS12. Furthermore, the NPPF does not prescribe a mix or size of tenure block in an urban environment such as this. Neither do I have before me any substantive evidence to the effect that tenure blocks need to be kept below a certain size in order to create mixed, sustainable communities.
95. Additionally, the proposal would promote opportunities for home ownership using the shared ownership model and the Right to Buy (RTB) option that exists for affordable rent tenants. It would therefore be consistent with the aspirations of Paragraph 50 of the NPPF to widen the opportunities for home ownership for those currently unable to do so in the open market.
96. Turning to the cluster element of Policy DM24, I note that it advises affordable housing should not generally be grouped in clusters of more than 12-15 units [14]. However, the amplification to the policy also states that this is a general guide and the size of clusters may need to vary with the overall size of a development and with the design and layout. I understand that its objective is to achieve developments in which the affordable units are truly integrated into the market housing and are practical for management purposes.
97. The RA stated that the Council was unable to provide an accurate breakdown of the number and location of the affordable dwellings that have been provided per phase, despite several requests. Be that as it may, and based on a plan provided by the LPA for the purposes of the case, I was able to ascertain how the affordable units were grouped in the context of the overall layout of Ravenswood. Although it does not illustrate which units were associated with which phase of development, I do not consider this matter to be decisive.
98. It is evident that cluster sizes vary across Ravenswood. At my site visit, I observed the clusters of existing affordable housing on the site by reference to the submitted plan. In my opinion, their design, layout and external appearance was indistinguishable from the open market housing across Ravenswood.
99. I heard from the applicant that integration of the affordable housing element is not solely achieved by limiting the cluster size; a scheme of the highest quality sustainable design is proposed on a prime part of Ravenswood which would also assist with integration [39, 40, 41].
100. I consider that high quality design and layout make a significant contribution to creating sustainable, balanced communities. The design of the development

is such that it would complement the existing built form and incorporate principles and landscape features which would create a pleasant environment in which to live. Thus the development would not be sited in the least desirable part of Ravenswood, be easily identified as affordable rather than open market housing or represent housing which is of an inferior design quality to that which currently exists at Ravenswood. In this regard, it would contribute to delivering a wide choice of quality homes, consistent with the aspirations of Paragraph 50 of the NPPF [16].

101. Whilst I heard concerns from the RA that the scheme has the potential to attract anti-social behaviour, there is no substantive evidence before me to support such a claim [40,74]. Thus I am not convinced that there is any compelling reason why the number of affordable units of the type proposed should be limited by cluster size.
102. Policy DM24 allows for a variation in the overall cluster size, where appropriate. Given the level of shared ownership proposed and the potential for intermediate rent tenants to utilise the RTB option and a small number of social rent properties, I do not consider that the cluster would be dominated by any one type of tenancy arrangement such that it would be fundamentally at odds with the intentions of Policy DM24.

### **Other Matters**

103. I understand that the scheme originally comprised 100% social housing and that it was subsequently amended in light of the successful HCA bid for funding. I also acknowledge that the RA is not averse to a scheme which is comprised entirely of affordable housing, albeit a preference for an alternative mix has been expressed [58,74]. Nevertheless, I must consider the scheme before me on its own merits.
104. I note the concerns of the RA regarding the precedent that would be set for other developments to cluster affordable housing on one part of a site. Nevertheless, for the reasons I have given, the particular circumstances of the case dictate that there would be no harm resulting from the proposal. Each application must be considered on its own merits, which is what I have done.
105. I understand the frustrations of the RA and residents regarding the dissemination of information and the level of consultation carried out which, in their view, was inadequate. I heard from the applicant and LPA that public meetings were held, albeit the RA maintained that such arrangements were insufficient. Be that as it may, I am satisfied that the statutory consultations for the purposes of the planning application were carried out correctly. The matter of whether communications between residents, the applicant and the LPA over and above the statutory requirements were satisfactory is not a matter for this case.
106. Turning to residents' concerns regarding highway matters, the effect on existing infrastructure and the provision of waste / recycling facilities, neither the LPA nor statutory consultees have raised objection to the proposal in these terms. I have no substantive evidence before me that leads me to any other conclusions in respect of such matters.

## Conditions and Obligations

107. It is necessary to consider whether the obligations meet the statutory requirements in Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in Paragraph 204 of the NPPF in order to determine whether or not they can be taken into account in any grant of planning permission. The requirements are that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question.
108. The LPA confirmed that it does not have a CIL Charging Schedule and the provisions can therefore be secured via a S106A. Having regard to the provisions in the S106A, I am satisfied that the requirements are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development [29,64]. In conclusion, I find that the obligations provided in the legal agreement are in accordance with Regulation 122 of the CIL Regulations and Paragraph 204 of the NPPF.
109. The LPA's suggested conditions were discussed at the Inquiry and I have had regard to whether they meet the tests outlined in the NPPF and the PPG. If the Secretary of State wishes to see the wording of the original conditions, these are at Document B.
110. Should the Secretary of State be minded to grant planning permission, Annex A lists the conditions that I recommend be imposed. Where necessary, I have adjusted the wording of the conditions in the interests of clarity and precision.
111. In accordance with the provisions of Section 92 of the 1990 Act, the standard time limit condition is recommended. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interest of clarity.
112. Details of external finishes, fenestration details, boundary treatments, bin storage, external lighting and cycle parking and finished floor levels are necessary to ensure a satisfactory appearance to the development. The requirement for details of the phasing of the development will ensure that it is appropriately managed and built out.
113. I consider a landscaping condition to be entirely appropriate to ensure the satisfactory appearance of the development. Nevertheless, I do not suggest that details of proposed and existing functional services above and below ground and refuse details fall within the scope of such a scheme, and should therefore be excluded. Furthermore, details of the boundary treatments, refuse arrangements, means of enclosure, car parking layouts and other vehicle and pedestrian access and circulation areas are already required under other conditions, and need not be replicated here.
114. A condition was suggested requiring compliance with the Code for Sustainable Homes. The LPA subsequently advised that, further to the Ministerial Statement (MS) withdrawing the CSH, a condition requiring the development to meet an energy/ CO<sub>2</sub> and water usage standard should instead be imposed. I am satisfied that such a condition would be in accordance with the MS and would ensure energy efficiency is secured.

115. Conditions relating to infrastructure, fire hydrants and drainage are needed in order to ensure that the site is adequately drained and serviced.
116. A condition requiring the development to be carried out in accordance with the approved FRA will provide for any effects of surface water flooding to be managed and mitigated.
117. A scheme preventing parking of vehicles at inappropriate locations in the development together with details of the proposed accesses, estate roads and footpaths, are necessary in the interest of highway safety.
118. A Travel Plan requirement would ensure that alternative means of transport are promoted, thus contributing to sustainable modes of travel. However, requiring a financial payment (or equivalent) by condition would not be appropriate and, on this basis, I have omitted the part of the condition seeking the provision of £60 free bus tickets.
119. A condition requiring that no dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level is unnecessary as Condition 8 requiring the details of the roads and accesses secures implementation of the approved details prior to the occupation of each agreed phase of development.
120. A condition requiring a programme of archaeological work is necessary to ensure that archaeological resources are protected.
121. In terms of land contamination, the requirement for the development to be undertaken in accordance with the submitted Phase 1 Risk Assessment, together with the submission of details in respect of investigation and monitoring and any unforeseen land contamination is reasonable in the interest of public health and safety.
122. Regarding ecology, the LPA's suggested a condition requiring the dwelling design to incorporate biodiversity features. Not only would such a condition not satisfy the tests in terms of precision, it would not secure the species mitigation recommended in the submitted ecological surveys [2,72]. This matter was discussed at the Inquiry and it was agreed that the condition should be reworded to require the submission of a scheme for bat and bird mitigation. A second condition is also suggested regarding the requirement for a detailed mitigation and monitoring strategy for on-site reptile species, including a suitable receptor site, methodology, ecological management plan for long term management and monitoring. I am satisfied that, subject to the imposition of the conditions, the proposal would not have adverse effects on the favourable conservation status of EPS or other nature conservation interest.
123. In terms of the requirement for maintenance and management arrangements in relation to landscaping and SUDS, I consider such a condition to be reasonable to ensure these aspects of the development are adequately managed in the future.
124. The issue of the removal of permitted development rights were discussed, and it was agreed that the condition should be amended to reflect the Classes of development with reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 . Given the limited sizes of the



plots and the quality of the overall scheme design, the LPA wish to retain control over any additions, alterations or extensions and means of enclosure. I do not consider this to be unreasonable.

125. A condition requiring a scheme of construction management is necessary in the interests of highway safety and the living conditions of existing residents. Similarly, an hours of operation condition would ensure that the living conditions of existing residents are not adversely affected by the development.

### **Overall Conclusions**

126. The NPPF establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. It has been concluded that the Borough has a serious and significant short term deficit of deliverable housing sites. Paragraph 47 seeks to boost significantly the supply of housing and the contribution that the application scheme could make in this regard is a matter of considerable weight in the overall balance.
127. I have also had regard to the Paragraph 49 presumption in favour of sustainable development and, in this case, I find that the proposal would deliver a mix of housing which reflects local demand. The scheme would make a significant contribution to affordable housing and the mix of intermediate housing would be in accordance with identified needs. There is no reason why the application scheme should not provide a high quality built environment with a sustainable solution to energy provision and surface water drainage. There are opportunities within this location to travel by modes other than the car. The site is accessible to local shops and services in the District Centre. There is a bus service available and cycle facilities. This seems to me a very accessible location that offers new residents realistic choices of travel mode.
128. Thus I find that the proposal would be consistent with Paragraph 50 of the NPPF insofar as it would assist in the delivery of a wide choice of high quality homes, widening opportunities for home ownership and creating a sustainable, inclusive and mixed community.
129. In my judgement there would be no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the development plan and NPPF as a whole. My overall conclusion is that this would be a sustainable form of development and that the application should be approved.

### **Recommendation**

130. That planning permission be granted subject to the condition outlined in Annex 1.

*Melissa Hall*

Inspector

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Carlos Hone

### **FOR THE APPLICANT:**

Mr Simon Bird QC

He called

Ms Clare Dawson  
Mr Iain Clavadetscher  
Ms Janet Wilson

### **FOR THE RAVENSWOOD RESIDENTS ASSOCIATION:**

Mr Richard Venning

He called

Ms Liz Harsant

### **INTERESTED PERSONS:**

Mr Bryan Patterson  
Mr Neil McManus  
Mr Mathew Baker  
Mr Ben Redsell

Resident  
Suffolk County Council  
Resident  
Press

## **DOCUMENTS**

1. Legal Agreement
2. Reptile Survey and Mitigation Strategy, dated 12 June 2014.
3. Breeding Bird Survey, dated 18 September 2014.
4. Botanical Survey, dated 18 September 2014.
5. Bat Survey, dated 18 September 2014.

## **Annex A**

### **Recommended conditions in the event of planning permission being granted**

1. The development shall begin not later than three years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans:

Drawing Refs 00\_001 Location Plan – Revision C, 00\_100 Masterplan – Site Plan – Revision G, 00\_101 Housing Mix – Revision L, 00\_102 Parking – Revision F, 00\_103 Building Heights – Revision C, 00\_104 Cladding Materials Mix – Revision C, 00\_105 Plot Numbers / Tenure Plan – Revision E, 00\_110 Elevations A, B & C – Revision C, 00\_111 Elevations D, E & F – Revision C, 00\_200 Refuse Strategy – Revision C, 10\_101 Site Plan – Ground Floor 1 – Revision C, 10\_102 Site Plan – Ground Floor 2 – Revision B, 10\_201 Site Plan – First Floor 1 – Revision C, 10\_202 Site Plan – First Floor 2 – Revision B, 10\_203 Site Plan – First Floor 3 – Revision B, 10\_301 Site Plan – Third Floor 1 – Revision C, 10\_302 Site Plan – Second Floor 2 – Revision B, 10\_303 Site Plan – Second Floor 3 – Revision B, 10\_401 Site Plan – Third Floor 1 – Revision C, 20\_201 4 Bed House 3 Storey Plans – Revision B, 20\_202 2 Bed House 3 Storey Plans – Revision B, 20\_203 2 Bed House 2 Storey Plans – Revision B, 20\_204 2 Bed House 2 Storey (V). Plans – Revision B, 20\_205 1 Bed Flats 2/3/4 Storey Plans – Revision B, 20\_206 1 Bed Flats 2 Storey. Plans – Revision B, 20\_231 4 Bed House 3 Storey Elevations – Revision C, 20\_232 2 Bed House 3 Storey Elevations – Revision C, 20\_233 2 Bed House 2 Storey Elevations – Revision C, 20\_235 1 Bed Flats 2/3/4 Storey Elevations – Revision C, 20\_236 1 Bed Flats 2 Storey Elevations – Revision B, 20\_237 Street Elevations G & H – Revision C, 20\_611 Cladding Details – Revision C, 20\_612 Cladding Details – Revision C, 20\_613 Cladding Details – Revision C, 20\_614 Roof Details – Revision B, 20\_615 Roof Details – Revision B, 20\_701 Typical Details – Key – Revision B.

3. No development or any site clearance operations shall be commenced until such time as the following details have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the agreed details and the agreed works shall be carried out in their entirety before the development is first occupied:-
  - i) All external finished materials of the dwellings including wall and roof finishes, balcony materials, including samples of materials, profiles textures and colours.
  - ii) Fenestration details at a scale of 1:10.
  - iii) Boundary treatments including railings.
  - iv) Bin storage details to include a waste minimisation and recycling strategy.
  - v) External lighting details.
  - vi) Secure and lit cycle parking.
  - vii) Finished floor levels

- viii) Phasing of development, including dwelling construction / occupancy, road layout and cycle path link, sustainable drainage system and landscaping.
4. No development shall take place until full details of both soft and hard landscaping works have been submitted to and approved in writing by the local planning authority. The submitted detail shall include proposed finished levels or contours, hard surfacing materials, minor artefacts and structures and retained historic features. Details of the soft landscaping works 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 proposed numbers / densities where appropriate. The development shall be carried out in accordance with the agreed details and the phasing programme approved under Condition 3.
  5. Any planting, seeding or turfing comprised in the approved details of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
  6. Prior to the commencement of development, a scheme detailing measures to prevent the parking of vehicles in areas of public open space and sustainable drainage systems shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to occupation of the dwellings hereby approved.
  7. Prior to the commencement of development, details of the proposed accesses (including the position of any gates to be erected and visibility splays) shall be submitted to and approved in writing by the local planning authority. The development shall be laid out and constructed in their entirety prior to the occupation of each associated property in accordance with the phasing programme agreed under Condition 3.
  8. Prior to the commencement of development, details of the design of the estate roads and footpaths, including layout, levels, gradients, traffic calming and servicing shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the dwellings in each associated phase in accordance with the phasing programme agreed under Condition 3.
  9. Prior to the commencement of development, details of the travel arrangements to and from the site for employees during construction and occupants thereafter, in the form of a Travel Plan, shall be submitted to and approved in writing by the local planning authority. The approved arrangements shall be implemented upon commencement of development and thereafter adhered to. The scheme shall include targets for the shift of transport modes into sustainable modes, the annual monitoring thereof and plans for rectifying failure to meet modal shift targets. The annual target and monitoring assessment shall be submitted to and approved in writing by the local planning authority.
  10. The dwellings hereby approved shall be constructed so that the development meets an energy/CO2 standard of at least 19% improvement in dwelling

emission rate over Target Emission Rate (TER), as determined by the 2013 Building Regulation Standards, and a water usage standard of no more than 110 litres per person per day. Prior to the occupation of the development, certification of compliance with these standards shall be submitted to and approved in writing by the local planning authority.

11. Prior to the commencement of development, a scheme to provide a minimum of 15% of the predicted required energy supply for the new development from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied unless and until the approved scheme has been implemented in accordance with the phasing programme approved under Condition 3.
12. Prior to the commencement of development, a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of foul drainage connection points and sewer runs, permeable paving, proposed levels, tree planting, protection of SUDs basins during construction, provision of any temporary surface water drainage arrangements required during construction and phasing of the implementation of the drainage scheme. The approved scheme shall be completed prior to the occupation of the relevant part of the development.
13. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA, JP Chick & Partners Ltd ref IE14/030/HJ 7.02.1 and drawing IE14/030/01 Rev P2) and the following mitigation measures identified in the FCA:
  - i) Infiltration testing shall be carried out at the location of the proposed highway basins to establish the correct rate and to size the feature accordingly.
  - ii) The surface water management features shall be designed to store the volume of water produced by the contributing area in the 1 in 100 year critical duration rainfall event plus allowance for climate change.
  - iii) Details shall be provided of any exceedance flows and conveyance routes with supporting calculations in all events up to the 1 in 100 year rainfall event, including climate change.
  - iv) The scheme shall incorporate the SUDS 'Management Train' and ensure all features are designed in accordance with CIRIA (C697) The SUDS Manual.
  - v) Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the development.
14. Prior to the commencement of development, the number and location of fire hydrants and details of their phasing of when they will become operable shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved detail.
15. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of

investigation for evaluation and, where necessary, excavation 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:

- i) 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.
- v) Provision to be made for archive deposition of the analysis and records of the site investigation.
- vi) Nomination of a competent person or persons / organisation to undertake the works set out within the written scheme of investigation.

The site investigation shall be completed in accordance with a phased arrangement to be submitted to and approved in writing by the local planning authority.

16. No building shall be occupied until the archaeological 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 17 and provision made for analysis, publication and dissemination of results and archive deposition.
17. The development permitted shall be carried out in accordance with the approved Phase 1 Risk Assessment (Geosphere Environmental Ltd Ref 866 DS/SG AD/23-05-14/V1 Chapter 6) and the following details shall be submitted to and approved in writing by the local planning authority:
  - i) Intrusive site investigation survey.
  - ii) On-site gas monitoring details
  - iii) Geotechnical investigation to determine foundation design details.
18. Any remediation scheme required as a result of intrusive site investigation required under Condition 19 must be prepared and submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation shall be carried out in accordance with the approved details.
19. In the event that contamination is found at any time when carrying out the development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is submitted to and approved in writing by the local planning authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is submitted to and approved in writing by the local planning authority.

20. Prior to the commencement of development, a scheme for bat and bird mitigation shall be submitted to and approved in writing by the local planning authority. The mitigation shall be carried out in accordance with the approved detail.
21. No development or site clearance operations shall take place until such time as a detailed mitigation and monitoring strategy for on-site reptile species, including a suitable receptor site, methodology, ecological management plan for long term management and monitoring has been submitted to and approved in writing by the local planning authority. The reptile mitigation measures and monitoring strategy shall thereafter be implemented in accordance with the approved detail.
22. Prior to the first occupation of any dwelling, a maintenance and management agreement shall be submitted to and approved in writing by the local planning authority. The management agreement shall include:
  - i) Long term maintenance and management arrangements of landscaping
  - ii) Long term maintenance and management arrangements of SUDS.
23. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions or alterations to the roof, porches or buildings, hardstandings, chimneys and flues or satellite dishes shall be constructed or erected other than those expressly authorised by this permission.
24. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling houses other than those expressly authorised by this permission.
25. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the local planning authority and shall include:
  - i) Parking and turning for vehicles of site personnel, operatives and visitors.
  - ii) Loading and unloading of plant and materials.
  - iii) Piling techniques.
  - iv) Storage of plant and materials.
  - v) Programme of works (including measures for traffic management and operating hours)
  - vi) Provision of boundary hoarding and lighting.
  - vii) Protection of important trees, hedgerows and other natural features.
  - viii) Protection of the aquatic environment in terms of water quantity and quality.
  - ix) Details of proposed means of dust suppression and noise mitigation

- x) Details of measures to prevent mud from vehicles leaving the site during construction.
- xi) Haul routes for construction traffic on the highway network.
- xii) Monitoring and review mechanisms.
- xiii) Mobile phone contact number for site manager and distribution to local residents and ward councillors.

Construction of the development shall not be carried out other than in accordance with the approved construction management plan.

26. No works in respect of the construction of the development hereby permitted and no deliveries to the site during construction shall take place at the following times:

- i) Outside the hours of 0800 – 1800 Mondays to Fridays (inclusive)
- ii) Outside the hours of 0800 – 1300 Saturdays
- iii) On Sundays and public holidays.





## **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 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 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.