PLANNING COMMITTEE – 12th January 2016

APPLICATION NO DC/15/2004/RG3

LOCATION
Former Sanyo Site, School Road, Lowestoft

EXPIRY DATE 16 August 2015
APPLICATION TYPE Hybrid Application (Part Outline and part Full)
APPLICANT Waveney District Council (Housing Services)

PARISH
PROPOSAL Outline Application for up to 252 residential units (Class C3) and associated infrastructure; and Full Application for development of 48 residential units, 2 hectares of community open space including replacement dual-purpose football pitch, changing facilities and equipped play area, associated highway, engineering and landscaping works, including land raising, relocation of existing pumping station and temporary use of part of site for surface level car park associated with the community open space.
EXECUTIVE SUMMARY

1.1 This hybrid (part outline part full) planning application seeks to redevelop the former Sanyo factory site for residential purposes to provide up to 300 houses, including 100 affordable units, a playing field with changing rooms and equipped play area, together with associated highway, engineering and landscaping works.

1.2 The site is identified in the Lowestoft Lake Lothing and Outer Harbour Area Action Plan – Adopted January 2012 (AAP) for comprehensive redevelopment. It forms part of the land allocated under Policy SSP3 of the AAP which identifies some 59.8ha of land for comprehensive redevelopment as a Sustainable Urban Neighbourhood (SUN). When complete the SUN is expected to deliver some 1,380 new dwellings. This application therefore forms a significant part of the SUN.

1.3 The site is immediately adjacent to the Brooke Peninsula and Jeld Wen site where outline planning permission has been granted for approximately 850 dwellings together with a primary school and associated infrastructure (DC/13/3482/OUT).

1.4 The application comes before the Committee as it is a major application and because Waveney District Council is the applicant. The application is recommended for approval subject to conditions.

SITE DESCRIPTION

2.1 The site of the former Sanyo factory is located north of Victoria Road (A146) and south of Lake Lothing. The site forms part of the Kirkley Waterfront and Sustainable Urban Neighbourhood. Bounded on the eastern side by Heath Road with Brooke Business Park to the north, the site is located just north of an unmade rear access drive to residential properties fronting Victoria Road. There are also various other employment and light industrial uses west of the site and these are accessed from Nelson Wharf and Stanley Road.

2.2 Entry to the site is provided via School Road which severs the site into two unequal parcels of land which have a combined area of 7.9 hectares. The larger parcel is located to the east of School Road and measures 6 hectares. School Road provides access to Lowestoft Enterprise Park and the Haven Marina at the northern end. The southern part of School Road is dominated by Colville House, a former school building, situated on the eastern side of the road, and a bungalow and terrace of 8 dwellings also to the east. The site extends from School Road easterly to Heath Road, which is a residential street providing access to the Brooke Business Park, which abuts the site to the north. Heath Road comprises a mixture of two- and single-storey properties of varying ages and architectural styles. To the south of the site the dwellings on Victoria Road are mostly two-storey, and are principally Victorian terraces or semi-detached properties, with a small number of more modern dwellings interspersed between them.

2.3 The smaller portion of the site, measuring 1.9 hectares, is located on the western side of School Road, and abuts the rear gardens of dwellings on Victoria Road to the south. To the west and north, the site is adjacent to industrial/business areas.

2.4 Until February 2009, the site was operated by Sanyo, for the manufacture of televisions. It is now vacant, and contains a number of large buildings which are in various states of dereliction. Demolition of these buildings has commenced and the smaller western parcel is now largely cleared. The majority of the site is covered by hardstanding, with an overgrown green area in the south-eastern corner of the eastern site. There are also a number of trees within and adjacent to the site.
2.5 Site levels fall generally from south to north, and the two parts of the site have widely varying levels, some of which are natural, and some man-made. The western part of the site falls approximately 1m from south to north, and approximately 2m from east to west. The eastern part of the site falls approximately 4.4m from south to north.

PROPOSAL

3.1 This application proposes up to 300 residential units, of which 35% will be affordable housing. The application is a hybrid planning application which comprises:

1. Outline application for development to provide up to 252 residential units and associated infrastructure; and

2. Detailed application for development of 48 residential units, 2 hectares of community open space including replacement dual-purpose football pitch, changing facilities and equipped play area, associated highway, engineering and landscaping works, including land raising, relocation of existing pumping station and temporary use of part of the site for surface level car park associated with the community open space.

3.2 The detailed application for 48 affordable houses comprises of two separate parcels of land. Parcel 1 measures 0.39ha in area and is located to the west of School Road, at the southern end of the western part of the application site and will deliver 14 dwellings, comprising 2 x 1-bedroom flats and 12 x 2-bedroom houses. Vehicular access will be taken from School Road with the majority of dwellings fronting onto the new access road.

3.3 Parcel 2 measures 0.64ha in area and is located towards the north-eastern corner of the eastern part of the site and will provide 34 dwellings comprising 11 x 1-bedroom flats, 11 x 2-bedroom duplexes, 5 x 2-bedroom houses, 3 x 3-bedroom houses and 4 x 4-bedroom houses. Vehicular access into Parcel 2 is proposed from a new access off Heath Road. The dwellings are organised in a perimeter block, with the majority of parking provided in central parking areas. Private and communal gardens would also be provided within the centre of the block. Most of the dwellings would be three-storey with four-storey buildings at the northern end, facing onto the open space. It is also proposed to extend Heath Road in a straight direction at the northern end where it currently bends round into the Brooke Peninsula site.

3.4 The 2 hectares of community open space would be provided at the northern end of the eastern part of the site to replace the Jeld Wen playing fields adjacent to Waveney Drive on the adjacent site to the east. A single storey building to provide 2 sets of changing rooms, kitchen and store is located on the western side of the football pitches. To the eastern side of the open space is a neighbourhood equipped area of play. A small temporary car park for the open space (13 spaces) will be provided to the east of Heath Road. A permanent car park will be provided at the western end of the open space when subsequent phases of development come forward.

3.5 Other than for the detailed element of the proposal (Parcels 1 and 2) an indicative plan has been submitted which shows how the 300 units might be distributed across the site, following a perimeter block structure with a network of streets running broadly north-south and east-west. The site is divided into 12 parcels, and parking provision is mostly within the central areas of each perimeter block, alongside private and communal gardens. Two Local Areas of Play are provided, one on the eastern part of the site and one on the western part. An average density of 51 dwellings per hectare is achieved across the site.
3.6 It is proposed to relocate an existing foul water pumping station located in the north-eastern part of the site, adjacent to Heath Road, as part of the first phase of development. A new pumping station is proposed on the western side of the community open space, adjacent to the changing rooms.

3.7 A small area of land to the east of Heath Road is proposed to be used as a temporary car park for people wishing to use the community open space. 13 car parking spaces are proposed in this area.

3.8 It is proposed to extend Heath Road in a northerly direction, to connect through to a new avenue which will run east west across the site. Only part of this avenue, running along the northern side of Parcel 2, is included in the detailed element of this application.

3.9 In order to address flood risk issues it is proposed to raise ground levels in some parts of the site. This land raising will be carried out as part of the first phase of the development.

3.10 The following reports have been submitted as part of this planning application:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment
- Travel Plan
- Utilities Report
- Desk Study and Risk Assessment
- Historic Environment Desk-Based Assessment and Historic Building Assessment
- Energy and Water Efficiency Strategy
- Habitat and Protected Species Ecological Assessment
- Noise Assessment
- Tree Report
- Air Quality Impact Assessment

3.11 Further to the submission of the planning application and as a result of discussions and comments received during the initial consultation period revised drawings were submitted to address comments made by the Highway Authority. In addition a revised arrangement for the Community Open Space now includes provision of the cycleway link to the north.

3.12 A significant amount of technical reports and survey data supports the application to enable all aspects of the proposal to be appropriately considered. All these documents have been available for public inspection on the Council’s website.

CONSULTATIONS/COMMENTS

4.1 Neighbour Consultation/representations: 232 neighbouring commercial and residential properties were notified of the application. Two responses have been received from local residents raising the following points:

- Concerned about land raising as my property is lower than the Sanyo site and water runs to the lowest point.
- In heavy rain the drain that serves Victoria Road cannot cope and flows back up into my property.
- Existing trees (which are to remain) cause problems as leaves block the drains.
- Surface water will flow along the access road from School Lane onto my property.
Concerned about possible overlooking from flats and disturbance during construction works.

The impact on properties in Heath Road, particularly with regard to the proximity of three storey properties (30m away). **Planning Statement**, why is it that three storey properties would impact on current properties in Victoria Road but have no impact in Heath Road when they will be 20m closer. So please make the development of Heath Road a max of two storeys. Detached and semi-detached, perhaps even a token bungalow. Reducing blocks A and B to two storeys would remove only two one-person flats and two bedrooms from the four bedroom house.

4.2 A response has been received from Colville House on School Road raising the following points:

Colville House Community Building will be surrounded on three sides by the proposed development and would be of use to serve the new community. Accordingly it is requested whether any support could be available to Colville House. We are at this time exploring ways to refurbish our buildings making them more fit for purpose as befits a local community centre. Specific items are the renovation of the sports hall and enhancements to make the buildings more energy efficient. We are advised that support for community facilities is available through the new building levy (section 106) and accordingly we would ask that a support consideration be applied to Colville House. Clearly details of the use of such support will be expected but at this time we would ask in principle if such support could be considered.

Consultees

4.3 **Suffolk County Council – Highways:** This application is for extensive re-development of the disused Sanyo Factory, in accordance with Waveney DC Sustainable Urban Neighbourhood development brief, and this Authority generally supports the proposals. However, development of such scale, including up to 300 homes here, is likely to result in significant increases in vehicular traffic in both the immediate and surrounding area. The instigation of a robust Travel Plan, together with the provision of commensurate public transport infrastructure and service provision within the development site and adjoining roads, are fundamental toward mitigating traffic impacts resulting from the development.

The assessment of the proposed development is based upon achieving a reduction in car driver mode share, with a corresponding increase in walking, cycling and bus trips. To achieve this change in behaviour will require the effective promotion of sustainable travel planning measures. A performance bond should be linked to this target and the travel plan through a S106 agreement.

The travel distances from within the site to nearby employment and service areas will require reliance on cycle and bus modes to remove reliance on car travel. The bus accessibility of the site is poor and the current services are not frequent, there are no specific measures proposed to guarantee that it will improve. Cycle connections from the site to the existing East / West cycle / pedestrian route to the south of Victoria Road have not been proposed either.

The developers are required to work with the developers of the neighbouring sites to ensure a cohesive master plan in terms of suitable link roads that can be utilised by bus services in the future. Link road should be designed with suitable radii to facilitate suitable bus service penetration into the combined site.

This application is a Hybrid Application covering a FULL application for the first phase of 48 dwellings and an OUTLINE application for a further 252 dwellings.
FULL Application for 48 dwellings

The masterplan shown for Phase 1 (parcels 1 and 2) is generally acceptable, however it is deficient in some minor respects, these will need to be rectified before the final design of the scheme can be agreed. Suffolk County Council is keen to continue to work with the scheme designers to come up with a suitable design for the highway related facilities at this location.

SCC as Highway Authority recommends the following Conditions and Notes are included in any permission issued for the first phase of 48 dwellings. These include conditions to address requirement for interim Travel Plan measures and to ensure that the highway facilities connected with the development is correctly designed and constructed.

Condition: Within one month of the first occupation of any of the first 48 dwellings, the occupiers of each of the dwellings shall be provided with a Sustainable Travel Information Pack (STIP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the STIP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, travel pass and other measures identified in the approved Interim Travel Plan. The STIP shall be maintained and operated thereafter.

Reason: In the interests of sustainable development.

The Sustainable Travel Information Pack is necessary to enable the occupants of the development to make the best use of the existing sustainable transport options without the need for major infrastructure improvements. It also supports policy CS15 of The Approach to Future Development in Waveney to 2021 - Core Strategy Development Plan Document (2009). The wording of the condition will require the applicant to submit an example of the welcome pack to the LPA for the planning condition to be discharged, and is therefore enforceable. The condition is precise in that it includes clear timescales for the applicant of what is required for them to deliver and when it is required. Softer travel plan measures in the equivalent of a Travel Plan Statement are required for any residential development of less than 80 dwellings according to The DfT Good Practice Guidelines: Delivering Travel Plans through the Planning Process, which demonstrates best practice with travel planning. As this development is for 48 dwellings this falls within this threshold and the Sustainable Travel Information Pack would be proportionate to the size of this development.

Condition: The development shall not begin until a scheme for the provision of upgraded bus stops on Victoria Road has been constructed based on scheme details previously submitted to and approved in writing by the local planning authority. The scheme shall include raised accessible bus stop kerbs and real time passenger information screens at the existing pair of bus stops on Victoria Road to the east of Heath Road.

Reason: To ensure that the bus stops closest to the development are available for use for all users and users are given accurate information on the bus services available from the stops and when the buses are due to arrive.

The bus stop improvements are necessary as they are the closest form of public transport within easy walking distance of the development (within 400m) and they are not currently accessible to all users. The quality of bus stops is a determining factor in their usage. Some of occupants of the initial phase of the development are likely to rely on buses to
carry out journeys around the town. Real time information on bus services is of especial importance in locations such as this where bus services are infrequent.

Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

Condition: The new estate road junctions with Heath Road and School Road inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.

Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.

OUTLINE application for 252 dwellings

Within the Outline development proposals for the Sanyo Factory site, a majority of the dwellings will be within a walking distance of the existing bus stops on Victoria Road which will provide an hourly service. Whilst new bus stops are proposed within the adjacent Lake Lothing developments, there is no guarantee when or if these bus stops will be operational. Given the travel distance from the proposed site is to Town Centre services is 3km, bus and cycle travel will be the dominant sustainable transport choice for future residents.

As such, some commitment to make bus travel accessible should be provided, either through financial subsidy of bus tickets, or similar measure. If bus access is difficult, or buses do not have available capacity, additional trips will more than likely be made by car which will add loading to the road network which is predicted to suffer capacity constraints in the future.

Walking distances to a range of local facilities are shown in Table 4 of the Travel Plan. The walking distance from the centre of the site to Lowestoft Town Centre/train Station is measured to be around 2.2 miles. This emphasises that bus travel and cycle use will need to be relied upon for sustainable access to the site.

Potential measures which should be sought to improve the accessibility of the site by sustainable modes are as set out below, and as detailed in Neil McManus’ letter dated 21st June 2015:

- Contributions towards provision of. A contribution of £250 in respect of each dwelling to be used by the County Council to provide an additional bus service during peak hours and / or additional bus penetration of the site.

- Contributions towards a pedestrian / cycle crossing of Lake Lothing A contribution of £2,533 in respect of each dwelling to be used towards the funding of a Pedestrian and Cycle Bridge over Lake Lothing to provide more direct routes to Lowestoft town centre. Or failing that to be used towards sustainable transport projects that help to mitigate the impacts of the development.
• Improvements to existing bus stop facilities on Victoria Road, including raised accessible bus stop kerbs and information screens.
• An assessment of the existing highways, including capacity analysis, was included in the Transport Assessment Addendum. Whilst the modelling provided illustrates that the network operates within capacity when the additional trips are taken into account, the modelling assumes a reduced level of car driver mode share is achieved. The fact that this is the design case emphasises the need to implement a robust sustainable access strategy to ensure delivery of this target. This should be dealt with through commitment to delivery of the Travel Plan and associated performance bonds related to the travel plan.

My colleagues have read the supplied revised Travel Plan and comment below:

I have had a chance to look through the revised travel plan (dated 16th July 2015) that was submitted in response to my comments dated 22nd June 2015 to support the proposed development on the Former Sanyo Site in Lowestoft (DC/15/2004/RG3), where there are still a few issues that require further clarification:

• There is a commitment to negotiate better bus services along Victoria Road; there needs to be some evidence in the travel plan of what enhanced provision has been provisionally agreed with the local bus operators.
• The Travel Plan Coordinator will need to be identified as either a consultant, or a member of the developer’s sales team.
• There is no information if the communal cycle storage will be only accessible to the residents of the flats with their own key. This should act as a greater incentive for these residents to own a bicycle, as the storage will be more secure due to only residents being able to access the facility.
• There needs to be a commitment to include traffic counts to support the resident surveys with the annual monitoring, just in case there is a low survey response rate.

These revisions need to comply with National Planning Policy Framework paragraph 32, which sets out that plans and decisions should take account of whether:
• the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
• safe and suitable access to the site can be achieved for all people.
• improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Other relevant paragraphs include 34, 35, 36, 37 and 38.

In addition, a suitable travel plan will also support Policy GS15 from The Approach to Future Development in Waveney to 2021 - Core Strategy Development Plan Document (2009).

I would also require the following Section 106 contributions to assist the delivery of the travel plan:

• Travel Plan Evaluation and Support contribution of £10,000
• Travel Plan Implementation Bond £209,009 (indicative cost based on proposed travel plan measures)

I would also require the following Section 106 obligations:

• Full implementation of the travel plan
• Provision of welcome packs with public transport/cycle voucher to each dwelling on first occupation
• Obligation for the developer to deliver a car club

Full wording for the proposed obligations can be provided by myself at a later date.

Further detailed comments in regards to the content of the travel plan can be provided on request from the applicant.

If these planning obligations are not met the proposed development will not be sustainable in transport terms and SCC may need to reconsider our recommendation.

SCC as Highway Authority recommends the following Conditions and Notes are included in any permission issued for the OUTLINE application for 252 dwellings:

Condition: Prior to the commencement of each phase of development hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:
• Location of play areas and open space within approved areas of residential development.
• The location, implementation, maintenance and adoption of drainage facilities.
Reason: To secure a properly planned development.

Condition: Before the commencement of the development hereby approved and in connection with each agreed phase, details of the siting and design of housings for Public Utilities (e.g. Electricity Sub Stations and Gas apparatus etc) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a properly planned development.

4.4 Highways England: Offer no objection. Explanatory comments - The overall picture in the Transport Assessment is of a site that will generate a substantial amount of traffic, albeit less than a B1/B2 development on the scale of the pervious land use, as such we appreciate the argument that the previous use could recommence under the current planning designation although the developer has not set this out.

The TA shows that the impact of the development traffic will be felt as far away as the junctions on the north and south side of the Bascule Bridge (increase in flow of 46 vehicles, AM peak two-way). These have been modelled in LINSIG and found that the junction on the N side is just within capacity in the peak hour; growth to 2016 + committed puts it over capacity; adding their traffic in 2016 makes very little difference. The junction to the south of the Bascule is worse. Highways England do however appreciate that problems here are historic and as with the Brooke Peninsula development, it is considered the need for development in the area outweighs the impact that the development may have on an existing problem for which Highways England are working on to find a solution with Suffolk County Council.

4.5 Environment Agency: Additional information has been submitted to address an existing objection from us. This information has been reviewed and we offer the following advisory comments.
The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment (Canham Consulting, Issue P2, dated 27/03/2015), letter (204191/MAB) and cross sections (204191-327/8/9-P1 Site Sections-SECTION 1/2/3) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Canham Consulting, Issue P2, dated 27/03/2015), letter (204191/MAB) and cross sections (204191-327/8/9-P1 Site Sections-SECTION 1/2/3) and the following mitigation measures detailed within the FRA:

1. Provision of level strategy in accordance with Section 6.1 and Table 4 of the FRA, the drawings within Appendix G and the proposed cross sections detailed on drawings ‘204191-327/8/9-P1 Site Sections-SECTION 1/2/3’. Appropriate flow routing, calculations, cross sections and topographic level information must be submitted to demonstrate that lost storage will be replaced at the same level at which it is lost and that flood water will return to Lake Lothing as water levels fall, without increasing flood risk elsewhere.

2. Finished floor levels are set no lower than 4.52m above Ordnance Datum (AOD). Access roads are set no lower than 4.23m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere.

Suffolk County Council Floods Planning: Suffolk County Council, Flood and Water Management make the following observations:

Whilst the applicant wishes to make use of a SuDs system, they have not consider that the most viable option would be to drain the surface water through a treatment stage directly into Lake Lothing with no attenuation.

In relation to raising the ground level this would need to be done to ensure that any surface water exceedance route fall towards Lake Lothing.

We would suggest a surface water drainage strategy is provided along with a surface water construction management plan is provided.

Sport England: Thank you for sending through additional comments from Waveney District Council in response to our initial representations dated 3 July 2015.

It is noted that the pitch size shown on the submitted drawings is indicative only and does not necessarily reflect actual provision on this site should planning consent be granted. This will be determined by local demand once the facility is available for use. Sport England would therefore require the following condition is therefore applied to any planning consent to ensure that pitches are provided on site to meet Sport England/NGB guidelines with regard to pitch sizes, orientation, run-offs etc.:

Prior to the sports pitches being provided on this site a plan showing pitch layouts, sizes, run-offs etc. shall be submitted to and approved in writing by the local planning authority in consultation with Sport England. Thereafter only the approved plan shall be implemented.

Reason: To ensure the pitches that are provided are fit for purpose and meet Sport England/NGB guidelines, in the interests of recreational provision and to meet Local Plan Policy DM25.
Where new sports pitches are being provided Sport England would also normally require a site survey and pitch implementation scheme to be approved to ensure that the areas of formal sports pitches are constructed to a suitable standard, therefore the following condition should also be imposed on any grant of planning consent:

(a) No development shall commence on the proposed new playing field until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to Error! Reference source not found. above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England] [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy DM25.

Finally, Sport England remains concerned with regard to the timing of the proposed new playing field given that our playing fields policy requires replacement playing fields to be provided prior to the loss of existing pitches to ensure continuity of provision. We would therefore require the following condition to be imposed on any grant of planning permission:

No development shall commence until details for the phasing of the development, including the provision of the replacement playing fields, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use of playing field provision and to accord with Development Plan Policy DM25.

Subject to the above conditions being imposed Sport England would not object to this proposal which would provide replacement playing field provision, though it is accepted that quantity may not match the existing facility to be lost and there are potential issues with regard to providing the new facility prior to the loss of the existing facility. However, it is accepted that the new playing field will be more secure in terms of community access and will ensure additional benefit from the proposed changing facilities that will add a qualitative improvement to the sporting offer.
4.23 This being the case, and subject to the imposition of the conditions above, Sport England does not wish to raise an objection to this application which would meet our Planning Policy Objective 3 which seeks to ensure that new facilities are provided that are fit for purpose and meet local demand.

4.24 Sport England would also wish to see WDC make every effort to accommodate Swanton Herons FC on the new playing fields, should the club require alternative facilities.

4.25 The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England’s or any National Governing Body of Sport’s support for any related application for grants funding.

4.26 We would be grateful if you would advise us of the outcome of the application by sending a copy of the decision notice. If you would like any further information or advice please contact the undersigned at the address below.

4.27 Essex and Suffolk Water: We have no objection to the proposed development subject to compliance with our requirements. Consent is given to this development on the condition that new water mains are laid in the highway of the site, and a separate metered water connection is made onto our Company network for the changing facilities and each new dwelling for revenue purposes.

4.28 Suffolk County Council Archaeological Unit: No objection subject to conditions

Natural England:

This application is in close proximity to the Sprat’s Water and Marshes Site of Special Interest (SSSI).
Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

4.30 Protected species: We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

4.31 Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

4.32 Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

4.33 Landscape enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.
4.34 **Suffolk Wildlife Trust:** Thank you for sending us details of this application, we have the following comments:

4.35 We have read the ecological survey report (Trudy Seagon, Oct 2014) and we are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

4.36 In addition to the measures identified in the ecological survey report, development at this site should deliver significant ecological enhancements in accordance with the requirements of policies EHC4 (Design for Biodiversity and Habitats) and SSP3 (Kirkley Waterfront and Sustainable Urban Neighbourhood) of the Lowestoft Lake Lothing Area Action Plan. In particular criterion XIX of policy SSP3 requires that development within the strategic site (of which the application site forms part) ensures that like-for-like reprovision is made for any loss of the adjacent Brooke Yachts and Jeld Wen County Wildlife Site (CWS). The planning application for the adjacent site (Waveney DC reference DC/13/3482/OUT) includes the loss of part of the CWS which is not compensated for within that scheme. The proposal for this site should therefore include this compensation habitat. The provision of new greenspace at this site should link with that provided on, or existing within, adjacent sites and long term, ecologically beneficial management should be secured as part of any planning consent.

4.37 **WDC Arboricultural & Landscape Officer:** The above site is not within the Conservation Area and there are no Tree Preservation Orders (TPO)s.

4.38 A comprehensive Tree Report by Farmland Forestry has been submitted for this planning application, the findings of this tree report are agreed by myself. Currently this site is mainly hard standing and industrial buildings surrounded by other industrial areas and houses. The boundaries of the site have mostly established, mature trees in various states of health and vigour. Within the site itself are several trees, most of which are insignificant and in poor health. The exception being in the southern area of the site which is a relatively large area of woodland and open grassland – shown on plan as F & G.

4.39 Area F & Area G – (very dense areas and unable to survey) Area F manly dense semi mature woodland comprising mainly of Sycamore, Poplar and Elm suckers with potentially good species of Oak, Beech and Hawthorn. Although a strong feature these trees are suffering from lack of proper management and as such are poor specimens individually. A general thinning of dead, dying and poor quality trees is required as part of good management plan. Area G is predominately open grassland and scrub with the occasional young saplings of various species, which in time maybe used for screening and definition.

4.40 There is a row of mature Poplars forming a strong boundary in Area A – However as mature poplars they have at best a life expectancy of 10 – 15 years new tree planting should be required. Area B there is a double avenue of Cherry, most of which are dead /dying or in declining health. Area C has a belt of trees off site which give a strong visual northern boundary – comprising mainly of Silver Birch, Cypress and Scots Pine. Area D & Area E. The eastern boundary has a buffer of a row of trees mainly Silver Birch and Scots Pine

4.41 Although this site has a considerable number of trees the majority are low value and in various tree belts. Although low value they should be retained where possible, if only to enhance the scheme until better planting can be established. However, the northern and eastern boundary trees together with a small number of individual trees are worthy of long
term retention and these trees should have the integrity of their RPAs (root protection areas) respected and not compromised by services, buildings or hard surfaces.

4.42 If minded to approve we would need to ensure that no services or soakaways are routed through the root protection areas. We would also need an AIA (Arboricultural Implications Assessment) and Method statement and a landscaping scheme.

4.43 **WDC Project Manager – Area Action Plan:** Thank you for inviting us to comment on planning application DC/15/2004/RG3. The Economic Development Regeneration Team seeks to support those planning applications where the application clearly supports the growth and regeneration of the district, and where they help meet the targets identified in the Lowestoft Lake Lothing and Outer Harbour Area Action Plan (AAP).

The Former Sanyo Site is part of the Sustainable Urban Neighbourhood and Kirkley Waterfront (SUN), an area allocated for a mixed-use development under Policy SSP3 of the AAP. As outlined in the AAP and the SUN Supplementary Planning Document (SPD) the Former Sanyo Site is preferable for housing than other parts of the AAP, and takes into consideration the sequential approach to flooding.

We are supportive of this application, which will bring a redundant site back into use, with new affordable and private housing and a large area of public open space provided. It meets Objective 1 (Housing) & Objective 8 (Open Space & Environment) of the SPD and will link with the Brooke Marine and Jeld Wen sites.

4.44 **WDC Environmental Health Officer (Air Quality):** No objection subject to a condition requiring a site specific Construction Environmental Management Plan or construction method statement to be submitted and agreed prior to any development taking place.

4.45 **WDC Environmental Health Officer (Contaminated Land and Noise):** As discussed it would appear that the applicant has been able to satisfactorily answer all the queries that I have raised about noise with the exception of the recommendation within the noise report that properties are orientated so that outdoor living areas are effectively shielded from road noise (page 11). Should this be conditioned or simply subject to approval of the detailed layout at each phase of development?

The report recommended wording for a condition to control noise emissions from the proposed pumping station (page 9):

“The rating level of the noise emitted from the proposed pumping station shall not exceed the existing background sound level during the daytime or night time periods. The noise levels shall be determined at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:2014.”

I would agree that a condition should be applied but advise that the following should be added to the end of the above wording:

“and be subject to the approval of the local planning authority.”

Also as discussed the full suite of CL conditions should be applied including the requirement for future monitoring. The site is known to be contaminated but there is insufficient information at present so further investigations will be required and remediation, validation and future monitoring may be necessary.

4.46 **Anglian Water:** Comments (Summarised): **Assets Affected:** Anglian Water has assets close to or crossing the site which should be taken into account. The development site is within 15 metres of a sewage pumping station. Anglian Water recommend that no development takes place within 15 metres of the boundary of the pumping station if the development is potentially sensitive to noise or other disturbance.
4.47 **Wastewater Treatment**: The foul drainage from this development is in the catchment of Lowestoft Water Recycling Centre that will have available capacity for these flows.

4.48 **Foul Sewerage Network**: A development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We request a condition requiring a foul water drainage strategy to be approved.

4.49 **Surface Water Disposal**: The surface water strategy/flood risk assessment relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request a condition requiring a drainage strategy to be approved.

4.50 **Broads Authority**: No objection.

4.51 **National Grid**: general Comments.

4.52 **SCC Development Contributions Manager**: Comments (summarised): I set out below Suffolk County Council’s views, which provides our infrastructure requirements associated with this application and will need to be considered by Waveney District Council. The county council will need to be party to any sealed Section 106 legal agreement if it includes obligations which are its responsibility as service provider:

- **Education** – Lake Lothing will be served by a new primary school with an integrated early years setting, to which proportionate capital contributions towards building costs are sought;
- **Travel Plan** – There will be a requirement for a travel plan intended to encourage owners, occupiers, visitors to and employees at the Development to adopt environmentally friendly modes of travel and to use private vehicles less.
- **Bus subsidy contribution** – A contribution in respect of each dwelling to provide a bus service.
- **Bus Infrastructure** – To be assessed as part of the transport assessment including funding of DDA compliant bus shelters with real time passenger information.
- **Pedestrian and Cycle Bridge Contribution** - A contribution in respect of each dwelling towards the funding of a Pedestrian and Cycle Bridge over Lake Lothing.
- **Libraries** - A contribution towards a new library on the Oswalds Boat Yard site.

4.53 **NHS Great Yarmouth and Waveney Clinical Commissioning Group**: Many thanks for the opportunity to comment on this new development.

As an organisation responsible for the commissioning of health and care services including prevention, we welcome the additional open and community space with associated exercise facilities. The local public sector estate has seen a great deal of investment over the past 3-5 years including the development of the Kirkley Mill Health Centre, which provides primary care, community and out of hours services for the local population and is the base for many other services. Within the Local Estates Strategy for Health there is a proposal to develop Kirkley Mill phase 2 within the next five years which could be designed with this increase in population in mind. It should be noted that the current proposal assumes a fairly static population. Primary Care services are already under some pressure in this area and additional dwellings as described would increase this. There will be a requirement for additional workforce to provide the health and care services associated with this increase in population alongside the additional estate and we would be seeking developer contributions to realise this.
PUBLICITY

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

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<tr>
<th>Category</th>
<th>Published</th>
<th>Expiry</th>
<th>Publication</th>
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<tr>
<td>Major Application,</td>
<td>12.06.2015</td>
<td>02.07.2015</td>
<td>Beccles and Bungay Journal</td>
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<tr>
<td>Major Application,</td>
<td>12.06.2015</td>
<td>02.07.2015</td>
<td>Lowestoft Journal</td>
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SITE NOTICES

The following site notices have been displayed:

General Site Notice
Reason for site notice: Major Application, Date posted 19.06.2015 Expiry date 09.07.2015

PLANNING POLICY

5.1 The National Planning Policy Framework (NPPF) was published in March 2012. At the heart of the NPPF is a presumption in favour of sustainable development (para. 14). The NPPF makes clear that for decision taking, the presumption means approving development proposals that accord with the development plan without delay. In particular the NPPF, at paragraph 17, encourages the effective use of land by reusing land that has been previously developed (brownfield land).

5.2 The Core Strategy was adopted in January 2009. Policy CS05 states that an Area Action Plan for the Lake Lothing and Outer Harbour area of Lowestoft will be prepared focussing on employment-led regeneration. It sets down a number of objectives including the provision of a well integrated mix of approximately 1500 homes of different types and tenures to support a range of household sizes, age and income.

5.3 The Lowestoft Lake Lothing & Outer Harbour Area Action Plan (AAP) was adopted in January 2012. The application site forms part of the area allocated by Policy SSP3 (Kirkley Waterfront and Sustainable Urban Neighbourhood (SUN). Policy SSP3 states that the Council and developers will work in partnership with other relevant stakeholders to deliver a comprehensive approach to the development of the SUN. Uses which will be permitted within the SUN include approximately 1380 dwellings, 12 ha of employment land, 3 ha of open space, primary school, retail, restaurant, bars and cafes and new access routes.

5.4 Other relevant policies of the AAP include:
- HC1 - Housing in the AAP Area
- HC2 - Distribution of Housing Sites
- HC3 - Social and Community Infrastructure
- RLT1 - Town Centre Expansion and Retail within the AAP Area
- EHC1 - Design in the AAP Area
- EHC3 - Open Space
- EHC4 - Design for Biodiversity and Habitats
- TML2 - Pedestrian and Cycle Network Improvements
- TML5 - New Streets and Vehicular Routes
- TML6 - Parking in the AAP Area
- FRM1 - Flood Risk and Emergency Planning
- WEW1 - Energy Requirements within the AP Area
- WEW2 - Water efficiency and quality
The Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief Supplementary Planning Document, adopted May 2013 (SUN&KWDB) is also a material consideration.

Relevant Development Management Policies include DM02 Design Principles, DM16 Housing Density, DM17 Housing Type and Mix and DM18 Affordable Housing.

**PLANNING CONSIDERATIONS**

**Principle of Development and Planning Policy**

6.1 The Waveney Core Strategy sets out the main strategic plan for growth in the Waveney District for the period 2001 to 2021 (2025 for housing). The Core Strategy plans for some 5000 additional jobs and 6960 new homes over the relevant periods. It states that Lowestoft is to receive the majority of development (70-80% of housing and jobs growth) which will be focussed on previously developed land. The Core Strategy sets out plans for the preparation of an Area Action Plan to guide the regeneration of central Lowestoft.

6.2 The proposed development is on land allocated for mixed use development under Policy SSP3 of the Lowestoft Lake Lothing and Outer Harbour Area Action Plan Development Plan Document (AAP). Policy SSP3 also allocates surrounding land including the former Jeld Wen Factory, the Brooke Peninsula site, the Riverside Road area, the former SCA Recycling facility and the Witham Paints Factory. As noted above the policy allocates the site for a mixed use development of 1380 homes, 12 hectares of employment land, retail, leisure and tourism uses, a primary school, open space, marina facilities and retirement community.

6.3 The land allocated by Policy SSP3 is also covered by a development brief, the Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief SPD which sets out design and implementation guidance for the site.

6.4 The proposed development seeks to redevelop previously developed land within the heart of Lowestoft. As such the proposal is considered to be sustainably located and in accordance with the NPPF and policies and proposals in the Core Strategy, the AAP and the Development Brief. The principle of the proposed development is therefore considered acceptable. There are however other matters of detail that also need to be taken into consideration in the determination of the application as follows:

**Deliverability and Phasing**

6.5 As stated in paragraph 3.1 above the application takes the form of a hybrid application seeking both detailed and outline consent. The submitted Planning Statement states that that applicant is committed to bringing forward the development on site as soon as possible. This is evidenced by the hybrid format of the application which seeks full consent for the first phase of development comprising 48 affordable homes and the playing field and associated infrastructure. The playing fields are included within this first phase as they will replace the Jeld Wen playing fields on the adjacent site (where outline consent for redevelopment has been granted Ref. DC/13/3482/OUT). The playing pitches are part of a larger public open space and are publicly accessible. This is a significant improvement to the existing facilities on the Jeld Wen site and this early re-provision of the pitches is welcomed.

6.6 The Planning Statement states that the intention is to start building the 48 affordable units as soon as planning consent has been obtained, subject to the satisfactory discharge of pre-commencement conditions. The first two parcels of housing which make up Phase 1 are in locations where they can be relatively easily developed with minimal additional infrastructure requirements. It is anticipated that the remainder of the site would be brought forward in a further three phases and delivered within an 8 year period if not sooner.
Layout, Design and Appearance

6.7 The detailed element of this application seeks to provide affordable housing as the first phase of the redevelopment of the site. The remainder of the site, which is covered by the outline application, will deliver the market accommodation and the remaining affordable units. Any proposals for this land will be subject to either a reserved matters application or a full planning application, although indicative design information has been provided in this application (as explained in Para 3.5 above). The indicative layout shows a regular grid pattern, with the majority of the streets orientated north-south and east-west. The resulting perimeter block structure closely follows the guidance set down in the Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief. If this application is approved the development parameters could be linked to the permission by way of a planning condition which would provide a ‘framework’ within which reserved matters applications could come forward.

6.8 The detailed element consists of two parcels of housing land. Parcel 1 (14 dwellings) proposes some frontage development along School Road although most houses front a new east-west access road off School Road. A key dwelling is located at the junction with School Road which turns the corner by means of a double-aspect façade. This approach to the layout here avoids a blank gable wall and is welcomed. Dwellings front the new access road to create a well defined street scene. Two accesses to rear parking courts provide visual relief in the building line and flats above the accesses maintain continuity of the street frontage. None of the dwellings in Parcel 1 exceed 2 storeys in height although variation in the orientation of the roofs adds to the interest in the street scene.

6.9 Parcel 2 (34 dwellings) forms part of Phase 1 of the development as it will enable access to the public open space via Heath Road. Parcel 2 is located to the west of Heath Road and has a near-rectangular layout on a north-south axis. The proposed building line runs parallel to but set back from the Heath Road frontage. A strong continuity of street scene is maintained along this side of Heath Road with key breaks to access driveway parking and refuse collection which provide relief. Double aspect buildings on corners maintain continuity of the frontage. On street parking is provided along an extended Heath Road with two parking courts to the rear of frontage development providing the remainder of the parking provision.

6.10 The northern elevation of Parcel 2 is a key elevation as it overlooks the community open space and playing fields. Parcel two consists primarily of contemporary flat roofed 3 storey blocks interspersed with 2 storey pitched roof elements adding variety and interest to the elevational treatment. The north eastern and north western corners of Parcel 2 rise to 4 storeys giving additional height and a legible form to the layout.

6.11 The design and appearance of the proposed dwellings in both Parcels 1 and 2 is considered to be modern and contemporary and in accordance with the urban design guidance set down in the Development Brief. Whilst the design does not slavishly replicate the traditional dwellings in the immediate locality this is not considered to be grounds for resisting the application. On the contrary, the design is considered to be modern and exciting and entirely appropriate within a regeneration scheme that seeks to create a high quality urban environment.

Density and mix of Dwellings

6.12 Policy HC1 and SSP3 of the AAP states that sites will be developed to densities of broadly between 50 and 90 units/hectare and that housing developments should provide a mix of housing sizes and types. The average density across the whole site (excluding the open space) is 51 dwellings per hectare which is in accordance with Policies HC1 and SSP3. However, it is lower than the average density of 56 dph stipulated in the Development Brief.
for the SUN. This is because the 56 figure takes into account densities of up to 90 dph which will be delivered in the higher density waterfront areas on the SUN site whereas this site is located in a lower density area.

6.13 Parcel 1 has a density of 36 dph and Parcel 2 53 dph. Whilst the density of Parcel 1 fall below the lower end of the range identified in the AAP it is similar to the density of the surrounding housing. Policies HC1 and SSP3 recognise that lower densities may be appropriate taking into account site characteristics and surrounding land uses. Therefore it is considered that the proposed density of development within Parcels 1 and 2 is generally in accordance with Policies DM16 and HC1 and the Development Brief.

6.14 The proposal is intended to provide a mix of units. This mix is indicative apart from Parcels 1 and 2 where the units are 100% affordable and the mix has been dictated by the Councils Affordable Housing Delivery Plan. There is a particular need for 2 bedroomed affordable properties in the District. Accordingly therefore Parcels 1 and 2 comprise 63% 2 bedroom units and a smaller proportion of 1, 3 and 4 bedroom units. The indicative mix for the remainder of the site shows a range of unit sizes from 1 bed flats to 4 bed houses. The proposed density of Parcels 1 and 2 is considered to be in accordance with Policy DM17. The densities within future reserved matters applications for the remainder of the site will also be expected to comply with Policy DM17.

**Affordable Housing**

6.15 Policies DM18 and HC1 require 35% affordable housing within new housing developments. This proposal will deliver approximately 100 affordable houses across the whole site which equates to 35% of the total number of houses proposed. The level of affordable housing provision proposed is therefore in accordance with Policies DM18 and HC1. This application seeks detailed planning consent for the first phase of the affordable units (48 dwellings within Parcels 1 and 2). As the Council intends to develop the affordable housing and will be the owner of the land the affordable housing provision can be secured by condition.

**Access and Highway Matters**

6.16 The main transport related issues raised by the proposed development concern: i) the likely impact of additional traffic on the operation and safety of the surrounding road network, and ii) the adequacy of measures proposed to promote more sustainable patterns of travel. These matters are considered in the Transport Assessment (TA) and Interim Travel Plan which support the application.

6.17 The TA concludes that the priority and roundabout junctions on the vicinity of the site will operate within capacity in both the morning and evening peaks. The signal junctions already operate at capacity, and the proposed development will have a small but insignificant impact on the operation and capacity of these junctions. The increase in trips on the network is highly unlikely to have any significant impact. The TA also states that the previous industrial use of the site was capable of generating more vehicular trips than the proposed residential use and therefore it is considered that the proposed development will reduce the impact on the local highway network.

6.18 The SUN development brief acknowledges that reducing car use on all the proposed development sites within the AAP will be key to mitigating the negative impacts that traffic has on the town. As such planning applications within the area will need to demonstrate a significant ‘modal shift’ in transport choices away from the private car of at least 15%. Whilst not forming part of this application the proposed pedestrian and cycle bridge over Lake Lothing at Brooke Peninsula will be important in achieving this ‘modal shift’. 
6.19 In accordance with the SUN development brief and to address highway capacity issues the submitted Interim Travel Plan includes a commitment to reduce vehicle trips generated by the proposed development by 15%. Travel Plan initiatives include the appointment of a Travel Plan Co-ordinator to start implementation of the Travel Plan through a travel pack issued to each household, which will include a number of initiatives to encourage sustainable travel. It will be important to monitor the Travel Plan on a regular basis and modify as necessary to ensure that the key objectives are being met.

6.20 In order to encourage alternative modes of transport to the private car this application proposes improvements to existing bus stops on Victoria Road. The market housing will also be expected to make contributions towards a new pedestrian and cycle bridge over Lake Lothing and contributions towards bus service provision. These contributions can be secured through a Section 106 Agreement.

6.21 In the short term access to Parcels 1 and 2 will be from School Road and Heath Road respectively. The indicative layout shows an Avenue running east west at the northern end of the site which ultimately will connect into the adjacent Brooke Peninsula site. This will allow Heath Road to be shut off to through traffic once the new access road from Waveney Drive is put in place.

6.22 The car parking strategy for the site comprises a mix of parking in the street and within rear courtyards. For Parcels 1 and 2 where detailed consent is sought, parking provision is in line with the minimum standards prescribed in the Suffolk Guidance for Parking, 2014. Cycle parking provision is proposed either within garden sheds or integral garages where provided. For the proposed flats within Parcel 2 a communal cycle store is proposed providing 32 cycle spaces for 16 flats.

6.23 As will be noted above the Highway Authority do not object to the proposal subject to conditions. Accordingly it is considered that the with the mitigation measures proposed the proposal will not have a significantly adverse impact on the surrounding highway network.

**Flood Risk**

6.24 The planning application is supported by a detailed Flood Risk Assessment which identifies that the site is at greatest risk of tidal river flooding. In order to mitigate the risk, it is proposed to raise ground levels in some parts of the site and all ground floor levels of the dwellings will be set above the 1 in 1000 year level (plus climate change) which is 4.49m AOD. In addition, all access roads will be set above the 1 in 100 year level (plus climate change) of 3.98m AOD. The location of the 2 hectares of open space follows the broad location set out in the Development Brief, and in so doing provides the land use which is least vulnerable to flooding in the part of the site which is at highest risk. The location of the open space here enables the remainder of the site, which is at lower risk of flooding, to be developed for more vulnerable residential uses.

6.25 In terms of surface water drainage the FRA indicates that the site is generally suitable for a sustainable urban drainage system. Until recently the majority of the site was covered by buildings and hardstanding resulting in approximately 51,000sqm draining into the sewer on School Road. The proposal will reduce this to approximately 6400 sqm and so represents a significant improvement in comparison to the previous use of the site.

6.26 On the basis of the submitted information it is considered that the proposed development would adequately address the risks from flooding and that future users of the development would not be placed in undue danger from flooding.

**Open Space**

6.27 The detailed element of this application includes the provision of approximately 2 hectares of community open space which will include football pitches. In addition, a Neighbourhood
Equipped Area of Play measuring approximately 1000sqm is proposed at the eastern end of the site. A building containing changing room facilities is also proposed at the western side of the pitches.

6.28 The football pitches and changing rooms will replace the existing playing fields on the adjacent Jeld Wen site that will be lost following the granting of outline consent DC/13/3482/OUT. Re-provision in this location is in accordance with the requirements of the development brief. As will be noted above Sport England have made a number of detailed comments on this proposal. Notwithstanding these comments it is considered that the proposed playing field is a significant improvement as the existing playing fields are privately owned and not publicly accessible. The inclusion of changing facilities and parking spaces is also a significant improvement. Sport England have confirmed that they do not object to this application subject to conditions requiring full details of the proposed playing fields. These conditions are considered to be acceptable and appropriate.

6.29 The Council is keen to ensure, as far as is practically possible, continuity of playing pitch provision. This is why the playing fields have been included as part of the detailed element of this planning application. To encourage early re-provision of the pitches it is considered that the pitches should be provided in accordance with an agreed timeframe. Such a timeframe could be secured by condition.

Residential Amenity

6.30 Heath Road, School Road and Victoria Road are primarily residential Roads and therefore careful consideration has to be given to the impact of the detailed elements of this proposal on the neighbouring residential properties. The proposed dwellings in Parcel 1 are directly behind existing properties fronting Victoria Road. These existing properties have long rear gardens of generally in excess of 30m depth. Furthermore the proposed dwellings are located some 10m from the boundary of the site and are 2 storeys in height. This physical separation is sufficient to ensure there will be no impact on the amenities of properties in Victoria Road.

6.31 The proposed dwellings in Parcel 2 are located at the northern end of Heath Road and as such the majority of the dwellings are not directly opposite existing properties. Plot 1 and Plots 2/3 would face the 2 northern most dwellings on the east side of Heath Road. Although the proposed dwellings are 3 storeys in height the separation distance to No. 44 Heath Road is 21m and to No.42 Heath Road 25m. These distances are considered sufficient to ensure no inter-visibility or unacceptable overlooking. A submitted shadow study also shows that the proposed properties will not over shadow the existing properties on Heath Road even in winter when the sun is lower in the sky. Accordingly therefore it is considered that the proposed dwellings in Parcels 1 and 2 will not have a detrimental impact on the amenities of existing properties.

Infrastructure Requirements

6.32 Policy CS04 of the Core Strategy deals with infrastructure requirements and sets the policy basis for seeking contributions where they are necessary to make development acceptable that would otherwise be unacceptable. This application falls within the SUN and discussions have taken place with Suffolk County Council with regards to infrastructure requirements arising from this development. This application will therefore contribute to the following aspects of infrastructure which are required across the SUN:

- Education – Primary School to be provided on the adjacent Brooke Peninsula site
- New pedestrian and cycle bridge crossing Lake Lothing
- New library on the Oswalds Boatyard site
- Bus service contribution
- Travel Plan Evaluation and Support Contribution
With regard to the Community Infrastructure Levy (CIL) the AAP is zero rated and subject to Section 106. It is anticipated that that the above infrastructure requirements will be funded by the market housing (approximately 200 houses) and not the affordable housing. The applicant’s Agent has provided evidence to demonstrate that there is insufficient viability in the affordable housing to make infrastructure contributions. However, the market housing can be delivered together with contributing towards the required infrastructure.

It is considered that the affordable housing element can be delivered in advance of the above SUN infrastructure being provided. This is because the infrastructure is required to mitigate the impacts of the entire SUN (approximately 1380 houses) whereas the affordable housing element of this application is only a relatively small part of the SUN.

At this point the Council only intends to build out the affordable housing itself and intends to sell the remainder of the site to private developers. Counsel’s opinion has also been gathered on this legal scenario. Regulation 9 of the Town and Country Planning Regulations 1992 states that where a local planning authority has granted itself permission to develop land the permission will only enure for the benefit of the applicant local authority and not for the benefit of the land. Therefore, it will be necessary for future private developers to obtain their own planning permission in order to build out the market housing. It is expected that the Council would require those developers to mitigate the planning impacts of the development as a whole and thereby deliver the relevant infrastructure.

Should planning permission be granted for this scheme, it will be important to ensure that, upon the issuing of the consent, a mechanism is in place to ensure that the necessary infrastructure contributions from the development as a whole, will be secured. As the Council does not yet own the land it is not possible at this stage to enter into a S106 Agreement. Therefore consideration is currently being given, in conjunction with the County Council, as to the most appropriate mechanism for securing the full infrastructure contributions from the development as a whole. One option currently under consideration is a negatively worded planning condition that would be applied to the grant of any planning permission. Such a condition could require a s106 agreement to be entered into prior to the commencement of any development of the market housing or prior to the development of those parts of the scheme subject to the outline consent. Counsel’s opinion has been obtained and has confirmed that this is acceptable in law and in accordance with the Government’s Planning Practice Guidance.

The above infrastructure requirements are set down in the SUN Development Brief. As such all housing site within the SUN will be expected to make these contributions (as was the case with the planning application on the adjacent Brooke Peninsula site, DC/13/3482/OUT). Similarly this application will be expected to contribute towards the necessary infrastructure within the SUN. Should a planning condition be used as the mechanism to secure these contributions it is considered that it would meet the relevant legal tests, specifically with regards to it being necessary, reasonable and enforceable.

**CONCLUSION**

This hybrid (part outline, part full) planning application seeks to redevelop the former Sanyo factory site for residential purposes to provide up to 300 houses, including 100 affordable units, a playing field with changing rooms and equipped play area, together with associated highway, engineering and landscaping works.

Policy CS05 of the Core Strategy states that an Area Action Plan for the Lake Lothing and Outer Harbour area of Lowestoft (AAP) will be prepared focussing on employment-led
regeneration. The AAP was adopted in 2012 and Policy SSP3 allocates the application site and surrounding land for regeneration including 1380 homes and employment land. The proposal is in accordance with the Core Strategy and the AAP and complies with the sustainable development objectives of the NPPF and the Development Brief for the site.

7.3 The proposal will regenerate a significant area of underused vacant brownfield land in the heart of Lowestoft. The proposed layout and contemporary design of the dwellings is considered to be acceptable and in accordance with relevant policies in the AAP and the guidance set down in the Development Brief. Accordingly therefore the application is recommended for approval subject to conditions.

RECOMMENDATION

That the application be approved subject to a mechanism to secure the necessary infrastructure to mitigate the impacts of the development as a whole and subject to the following conditions (subject to any minor amendments considered necessary for clarification and approved by Officers under delegated powers):

Outline scheme:
The following conditions apply to the development covered by the Outline Permission (up to 252 residential units (Class C3) and associated infrastructure).

Note: Condition 25 may be removed if an alternative mechanism to secure the infrastructure contributions is secured.

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development, other than that approved in detail as Phase 1 of the overall development, begins and the development shall be carried out as approved.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

2. Application for the approval of Reserved Matters must be made within six years of the date of this permission.

Reason: To comply with section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun within either six years of the date of this outline permission, or within two years of the final approval of the Reserved Matters, whichever is the later.

Reason: To comply with section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the approved Phasing Plans ref: 111 Rev C, 112, 113 and 114. There shall be no variation of the phased construction of development until a revised or alternative phasing plan has first been submitted to and agreed in writing by the local planning authority.

Reason: To secure a properly planned development.

5. The development and all reserved matters applications submitted pursuant to this planning permission shall not, unless otherwise agreed in writing, materially depart from the principles set down in the Design and Access Statement including:
   • Building Heights
   • Layout
• Visual Links
• Development Density
• Scale
• Appearance
• Landscaping

Reason: To secure a properly planned development.

6. There shall be no construction of any dwellings within any phase of development, until details of the colour and types of materials to be used on the roofs and external walls of the proposed buildings within that phase have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. Prior to the commencement of each phase of development, a scheme of landscaping for that phase of development, which shall include details of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, in the context of a site-wide masterplan, shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following first occupation of the dwellings or within such other period as may be agreed with the Local Planning Authority. Any trees or shrubs or other elements of landscaping dying within five years of planting shall be replaced with the same or similar species by the developers or their successors in title.

Reason: In the interests of visual amenity and the character and appearance of the area.

8. Prior to the commencement of each phase of the development, the following measures shall be undertaken in so far as it relates to that phase:

A written scheme of investigation for evaluation, and where necessary excavation, shall be submitted 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.

Reason: The site is potentially of archaeological and historical significance.

9. No building within any phase of development shall be occupied until the site investigation and post investigation assessment for that phase of development has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is potentially of archaeological and historical significance.
10. The recommendations of the Habitat and protected species ecological assessment dated October 2014, or an alternative scheme agreed in writing by the Local Planning Authority, shall be implemented in full.

Reason: To ensure the adequate protection of any protected species within the site

11. No development shall take place within any phase of development until a site specific Construction Environmental Management Plan or construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The fugitive dust control mitigation scheme must demonstrate the adoption and use of best practical means and should be incorporated into the document.

Reason: In the interests of residential amenity.

12. The development site is within 15 metres of a sewage pumping station. There shall be no residential development or other development that is sensitive to noise or other disturbance, within 15 metres from the boundary of the sewage pumping station.

Reason: In the interests of residential amenity.

13. No development within any phase of development shall commence until a foul water strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. No dwellings within that phase shall be occupied until the works have been carried out in accordance with the approved strategy for that phase, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall accord with the principles set out in the Flood Risk Assessment prepared by Canham Consulting Ltd, Rev P2 dated 27/03/15, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

14. No drainage works within any phase of development shall commence until a surface water management strategy for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall accord with the principles set out in the Flood Risk Assessment prepared by Canham Consulting Ltd, Rev P2 dated 27/03/15, unless otherwise agreed in writing by the Local Planning Authority. No hard-standing areas within any phase of development shall be constructed until the works have been carried out in accordance with the approved surface water strategy for that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

15. The development shall be carried out in accordance with the approved Flood Risk Assessment (Canham Consulting, Issue P2, dated 27/03/2015), letter (204191/MAB) and cross sections (204191-327/8/9-P1 Site Sections-SECTION ½/3) and prior to the commencement of each phase of development, the following information for that phase shall be submitted and approved in writing by the LPA:

Appropriate flow routing, calculations, cross sections and topographic level information to demonstrate that lost storage will be replaced at the same level at which it is lost and that flood water will return to Lake Lothing as water levels fall, without increasing flood risk elsewhere. This shall be in accordance with Section 6.1 and Table 4 of the Flood Risk Assessment and the proposed cross sections detailed on drawings ‘204191-327/8/9-P1 Site Sections-SECTION ½/3’, or an alternative strategy agreed in writing with the LPA.
Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere.

16. Prior to the commencement of each phase of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of that phase of development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason: To enhance the sustainability of the development through better use of water, energy and materials.

17. Prior to the commencement of each phase of development, a scheme that includes the following components to deal with the risks associated with contamination of the site for that phase shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. No occupation of each phase of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority, for that phase. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. No development on each phase of development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority, for that phase. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. Prior to the first occupation of any of the residential units within each phase, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall specify measures and targets to encourage residents to use travel modes other than the car and shall specify how the travel plan will be implemented, monitored and reviewed. The approved measures, methods and timescales shall be fully implemented on first occupation of the dwellings within that phase and shall thereafter be maintained and any variation subsequently approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

22. Prior to the commencement of each phase of development hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:
- Location of play areas and open space within that phased of development.

Reason: To secure a properly planned development.

23. Prior to the commencement of each phase of development hereby approved, details of the siting and design of housings for Public Utilities (e.g. Electricity Sub Stations and Gas apparatus etc) for that phase shall be submitted to and approved in writing by the local
planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a properly planned development.

24. Prior to the commencement of each phase of development, a scheme for the provision of the affordable housing within that phase shall be submitted to and approved by the District Planning Authority. The affordable housing shall be provided entirely in accordance with the approved scheme. The scheme shall include the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers for the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To ensure an adequate provision of affordable housing

25. No development of the part of the site for which outline permission is granted shall commence until a s106 agreement (made under s106 of the Town and Country Planning Act 1990, or any successor provision) between the developer, Suffolk County Council and any other party necessary to secure the agreement’s enforceability, has been entered into providing for the infrastructure detailed in the attached heads of terms/annex which make the Site’s development acceptable in planning terms.

Reason: The required infrastructure is necessary to make the development acceptable in planning terms.

26. Prior to the commencement of each phase of development, details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

27. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

28. Prior to the commencement of each phase of development, details of the alignment, height and materials of all wall and fences and other means of enclosure, for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development

29. Prior to the commencement of each phase of development, details of the provision to be made for the storage and disposal of refuse, including bottle and clothing bank facilities, for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

30. Finished floor levels shall be set no lower than 4.52m above Ordnance Datum (AOD). Access roads shall be set no lower than 4.23m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development.
**Full Scheme**

The following conditions relate to the development for which Full Planning Permission is granted (48 residential units, 2 hectares of community open space including replacement dual-purpose football pitch, changing facilities and equipped play area, associated highway, engineering and landscaping works, including land raising, relocation of existing pumping station and temporary use of part of site for surface level car park associated with the community open space).

1. The development of the development granted full planning permission shall be begun within a period of three years beginning with the date of this permission.

   Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.


   Reason: To secure a properly planned development.

3. Prior to the construction of the dwellings hereby granted full planning permission, details of the colour and types of materials to be used on the roofs and external walls of the proposed buildings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Prior to the commencement of development for that part of the development for which full planning permission is granted, a scheme of landscaping which shall include details of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, in the context of a site-wide masterplan, shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following first occupation of the dwellings or within such other period as may be agreed with the Local Planning Authority. Any trees or shrubs or other elements of landscaping dying within five years of planting shall be replaced with the same or similar species by the developers or their successors in title.

   Reason: In the interests of visual amenity and the character and appearance of the area.

5. Prior to the commencement of development within the areas indicated on drawing 111 Rev C (Phase 1 plan), the following measures shall be undertaken:

   A written scheme of investigation for evaluation, and where necessary excavation, shall be submitted 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

Reason: The site is potentially of archaeological and historical significance.

6. No building within the part of the development granted full planning permission shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is potentially of archaeological and historical significance.

7. The recommendations of the Habitat and protected species ecological assessment dated October 2014, or an alternative scheme agreed in writing by the Local Planning Authority, shall be implemented in full.

Reason: To ensure the adequate protection of any protected species within the site.

8. No development within the part of the development for which full planning permission is granted shall take place until a site specific Construction Environmental Management Plan or construction method statement for that part of the development has been submitted to and approved in writing by the Local Planning Authority. The fugitive dust control mitigation scheme must demonstrate the adoption and use of best practical means and should be incorporated into the document.

Reason: In the interests of residential amenity.

9. No development within the part of the development for which full planning permission is granted shall commence until a foul water strategy for that part of the development has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall accord with the principles set out in the Flood Risk Assessment prepared by Canham Consulting Ltd, Rev P2 dated 27/03/15, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

10. No drainage within the part of the development for which full planning permission is granted works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority for that part of the development. The strategy shall accord with the principles set out in the Flood Risk Assessment prepared by Canham Consulting Ltd, Rev P2 dated 27/03/15, unless otherwise agreed in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent environmental and amenity problems arising from flooding.

11. The rating level of the noise emitted from the proposed pumping station shall not exceed the existing background sound level during the daytime or night time periods. The noise levels shall be determined at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS 4142:2014 and be subject to the approval of the local planning authority.

Reason: In the interests of residential amenity.

12. Prior to the sports pitches being provided on this site a plan showing pitch layouts, sizes, run-offs etc. shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved plan shall be implemented.

Reason: To ensure the pitches that are provided are fit for purpose and meet Sport England/NGB guidelines, in the interests of recreational provision.

13. No development shall commence on the proposed new playing field until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

14. The development shall be carried out in accordance with the approved Flood Risk Assessment (Canham Consulting Ltd, Issue P2, dated 27/03/2015), letter (204191/MAB) and cross sections (204191-327/8/9-P1 Site Sections-SECTION 1/2/3), or an alternative scheme approved in writing by the Local Planning Authority, and the following mitigation measures detailed within the FRA:

1. Provision of level strategy in accordance with Section 6.1 and Table 4 of the FRA, the drawings within Appendix G and the proposed cross sections detailed on drawings ‘204191-327/8/9-P1 Site Sections-SECTION 1/2/3’. Appropriate flow routing, calculations, cross sections and topographic level information must be submitted to demonstrate that lost storage will be replaced at the same level at which it is lost and that flood water will return to Lake Lothing as water levels fall, without increasing flood risk elsewhere.

2. Finished floor levels are set no lower than 4.52m above Ordnance Datum (AOD). Access roads are set no lower than 4.23m above Ordnance Datum (AOD).
Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere.

15. Prior to the commencement of development for that part of the development for which full planning permission is granted, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development, for that part of the development, shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason: To enhance the sustainability of the development through better use of water, energy and materials.

16. Prior to the commencement of development for that part of the development for which full planning permission is granted, a scheme that includes the following components to deal with the risks associated with contamination of that part of the site shall be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. No occupation of the development for which full planning permission is granted shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, for that part of the site, has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. No development within that part of the site for which full planning permission is granted shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. Within one month of the first occupation of any of the first 48 dwellings, the occupiers of each of the dwellings shall be provided with a Sustainable Travel Information Pack (STIP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the STIP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, travel pass and other measures identified in the approved Interim Travel Plan. The STIP shall be maintained and operated thereafter.

Reason: In the interests of sustainable development.

21. The development shall not begin until a scheme for the provision of upgraded bus stops on Victoria Road has been constructed based on scheme details previously submitted to and approved in writing by the local planning authority. The scheme shall include raised accessible bus stop kerbs and real time passenger information screens at the existing pair of bus stops on Victoria Road to the east of Heath Road.

Reason: To ensure that the bus stops closest to the development are available for use for all users and users are given accurate information on the bus services available from the stops and when the buses are due to arrive.
22. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

23. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

24. The new estate road junctions with Heath Road and School Road inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.

Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.

25. Prior to the commencement of the development for which full planning permission is granted, details of the alignment, height and materials of all wall and fences and other means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

26. Prior to the commencement of the development for which full planning permission is granted, details of the provision to be made for the storage and disposal of refuse, including bottle and clothing bank facilities, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development

27. Prior to the commencement of the development for which full planning permission is granted, a scheme for the provision of the affordable housing shall be submitted to and approved by the Local Planning Authority. The affordable housing shall be provided entirely in accordance with the approved scheme. The scheme shall include the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers for the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To ensure an adequate provision of affordable housing.

BACKGROUND INFORMATION: See application ref: DC/15/2004/RG3 at www.waveney.gov.uk/publicaccess

CONTACT Phil Perkin, Principal Planning Officer, (01502) 523073, philip.perkin@eastsuffolk.gov.uk
S106 Agreement Heads of Terms

In relation to Condition 25 of the outline planning permission conditions, the draft S106 Agreement Heads of Terms are as follows. Any final Heads of Terms will include the amount of financial contributions required:

1. Contribution towards a new primary school which includes early years provision.

2. Contribution towards a new pedestrian and cycle bridge crossing Lake Lothing and landing at the Pedestrian Bridge Landing Area identified in the section 106 agreement on DC/13/3482/OUT.


4. Travel Plan Obligations.

5. Bus service and bus stop contribution.