

SHADOW PLANNING COMMITTEE (NORTH) - 16 April 2019

APPLICATION NO DC/19/0210/FUL REP49(SH)

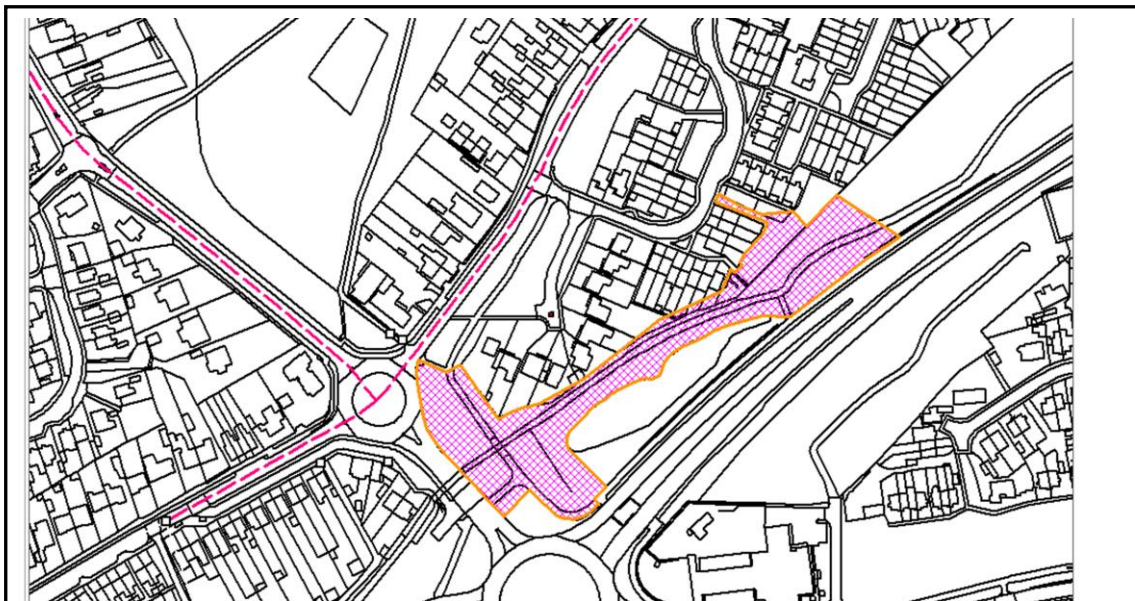
LOCATION

Land Behind
Velda Close
Lowestoft
Suffolk

EXPIRY DATE 13 March 2019
APPLICATION TYPE Full Application
APPLICANT East Suffolk Council and Suffolk CC

PARISH Lowestoft

PROPOSAL This is a flood alleviation scheme to manage fluvial flood risk in Lowestoft. The scheme proposes the construction of a sheet pile wall along the Kirkley Stream from the Bloodmoor roundabout and continues for around 200m downstream of the roundabout. The direct defences also include a pump station and underground storage facility at Velda Close/Aldwyck Way.



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1 SUMMARY

- 1.1 Planning permission is sought for a number of works which form part of the flood alleviation scheme for the Kirkley stream. The works will include the construction of a sheet pile wall, and underground pumps and storage tank to alleviate flooding in the area.
- 1.2 The propped development is considered to result in minimal impact on the character and appearance of the area, once replanting takes place following completion of the proposed works. It is also considered by officers that the proposal will have little amenity impact to neighbouring residents.
- 1.3 The Environment Agency has raised concerns about the potential impact on flooding, water quality, water voles, and fish entrapment. A further Flood Risk Assessment and letter has been provided which the applicant hopes will overcome the concerns of the EA, updated comments from the EA will be provided to members in the update sheet.
- 1.4 It is therefore recommended that the application be approved, subject to the comments of the Environment Agency being provided, and the conditions outlined in this report.
- 1.5 The application is before committee as it has been submitted on behalf of East Suffolk Council.

2 SITE DESCRIPTION

- 2.1 The application site is located within the Physical Limits of Lowestoft, and currently comprises of part of the Kirkley Stream, ponds, and surrounding banks, and a car park off Aldwyck Way.
- 2.2 The site is bounded by residential development on Velda Close and Aldwyck Way to the north, Tom Crisp Way (A12) to the East, Bloodmoor Roundabout to the south, and Bloodmoor Road to the west.

3 PROPOSAL

- 3.1 The proposed development comprises construction of a sheet pile wall along the Kirkley Stream (between the stream and houses) from the Bloodmoor roundabout and continues for around 200m downstream of the roundabout. The flood wall will be constructed of sheet piles embedded into the ground to create a foundation and hydraulic cut-off.
- 3.2 The wall will be screened by a timber fence similar in character to the existing conditions. To provide the required standard of protection (1% AEP in 100 years' time) the level of the flood wall will be between 2.5 and 2.4 m AOD (includes a residual uncertainty allowance that is subject to change as detailed design is undertaken). The top of the wall will be approx. 1m high above existing ground levels.
- 3.3 To manage flooding from the sewer system, permission is also sought for a below ground pumping station with an above ground kiosk. This will drain the sewer system when the river level is high and will be situated near the existing surface water sewer outlet. The pump station will have a capacity of around 300 litres per second and will be augmented

with around 140m³ of below ground surface water storage to balance the system. The pump station and storage will be constructed on vacant ground and below the car park to the rear of Aldwyck Way.

4 CONSULTATIONS/COMMENTS

4.1 Parish/Town Council Comments

The Planning and Environment Committee of Lowestoft Town Council of Lowestoft Town Council met on 12 February 2019 to consider this application. It was unanimously agreed to recommend approval of the application.

4.2 Neighbour consultation/representations

None received.

4.3 Suffolk County Council Local Lead Flood Authority

Recommend approval subject to the submission of SUDS information within three months of the completion of the works.

4.4 Suffolk County Council Highways Authority

The revised drawing showing amended traffic management and temporary works arrangements is acceptable to the Highway Authority. No highways related conditions are recommended but the Construction Management Plan should include wheel washing, contractor parking and access arrangement information

4.5 Environment Agency

Raises a holding objection on flood risk grounds, risk to the ecology and water quality:

Flood Risk

The site lies within fluvial & tidal Flood Zone 3a, the proposal is classified as a 'Water-Compatible vulnerable' development. The submitted flood risk assessment does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change. In particular, the EA consider that submitted FRA fails to:

1. Provide enough detail on the ICM fluvial model that has been undertaken to support this application.
2. Clearly show the areas where there are flood risk impacts resulting from the scheme.

Water Quality

The scheme has the potential to impact on the water quality in the Kirkley stream both at the location of work, and in the downstream reaches. The applicant should provide evidence of the measures in place to protect water quality.

Ecology

Any work within 5m of the water course which has the potential to disturb water vole or their burrows, should be preceded by a detailed water vole survey. The habitat surrounding the affected reach was identified as sub-optimal at the time of the PEA survey, however a detailed survey was not carried out, therefore the presence of water vole cannot be ruled out.

Fish Entrapment

From the submitted information it is not clear if the pumps for use during high flows will be removing water from the Kirkley Stream. If this is the case, the pump should be screened to avoid the uptake/ entrapment of fish.

- 4.6 **Suffolk Wildlife Trust**
No response received

5 **SITE NOTICES**

The following site notices have been displayed:

General Site Notice	Reason for site notice: General Site Notice, Date posted 24.01.2019 Expiry date 14.02.2019
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6 **PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compensation Act 1990 requires that “where in making any determination under the **planning Acts**, regard is to be had to the development **plan**, the determination shall be made in accordance with the **plan** unless material consideration indicates otherwise.
- 6.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application in particular those areas of guidance relating to the location of town centre uses.
- 6.3 The East Suffolk Council - Waveney Local Plan Core Strategy was adopted in March 2019 and contains the following policies of relevance to the determination of this application:
- WLP1.3 – Infrastructure
 - WLP8.29 – Design
 - WLP8.24 – Flood Risk

7 **PLANNING CONSIDERATIONS**

- 7.1 The key considerations in the determination of this application are:
- Principle of development
 - Flooding considerations
 - Character and appearance considerations
 - Amenity considerations
 - Highways considerations
 - Ecology and tree considerations
 - Other matters
 - Planning balance

Principle of development

- 7.2 The works are part of the fluvial element of the Lowestoft Flood Risk Management Project (FRMP). Policy WLP1.3 identifies the Lowestoft Flood Risk Management Project (FRMP) as

a piece of key infrastructure that will ensure the growth identified within the Waveney Local Plan. As such it is considered that the principle of the this part of the Lowestoft Flood Risk Management Project is acceptable, subject to adherence to other policies in the Local Plan, namely around, ecology, transport, design and amenity.

Flooding considerations

- 7.3 The site lies mainly within the Environment Agencies fluvial & tidal Flood Zone 2, although part of the proposed wall will fall within Flood Zone 3a. The proposed scheme is defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The Environment Agency has classified the scheme as a 'Water-Compatible vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). In addition, the entire site is situated within Flood Zone 3 of the
- 7.4 To comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA). The submitted Flood Risk Assessment concludes that:
- "The proposed food wall cannot be located in Flood Zone 1. It is required to be within the floodplain to fulfil its purpose. The river corridor is narrow, with properties backing directly onto the watercourse banks. The wall cannot, therefore, be paced further back, within garden areas."*
- "Following the Sequential Test, it is not possible to locate the wall elsewhere as it is integral to the FRM scheme. The river corridor does not allow the proposed wall to be set further back into the floodplain and thus, in an area of lower flood risk due to property boundaries. However, the wall is classed as "Water-Compatible" development and therefore passes the Sequential Test."*
- 7.5 It is considered by officers, that as the scheme is for flood alleviation, its placement of works in an area of lower flood risk would not be suitable or practical. As such officers conclude that the proposal would pass the sequential test.
- 7.6 The Environment Agency has raised concerns with regards to the submitted flood risk assessment (FRA), as they do not consider that it complies with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, they consider that the submitted FRA fails to provide enough detail on the ICM fluvial model that has been undertaken to support this application, and does not show the areas where there are flood risk impacts resulting from the scheme.
- 7.7 In addition, the EA do not consider that sufficient detail to show that there would be no impact on the water quality in the Kirkley stream both at the location of work, and in the downstream reaches, has been provided
- 7.8 The applicant has submitted further details and a Full Flood Risk Assessment, which they consider overcomes the concerns raised by the EA in, regards to flood risk and water

quality. No comments have been received from the EA, but if any additional comments are received they will be reported to the Committee via the Update Sheet.

- 7.9 Suffolk County Council Floods Team have raised no objections to the application subject to a condition that within 3 months of completion details of all Sustainable Urban Drainage System components and piped networks (including pumps and attenuation tanks) shall be submitted to them, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Character and appearance considerations

- 7.10 The proposed scheme involves the erection of an approx. 1m high sheet pile wall along a 200m length of the stream. The proposed wall is considered to result in minimal visual intrusion given the backdrop of the approx. 2m high fence, and as such it is not considered that it would result in any adverse impact on the character and appearance of the surrounding area.
- 7.11 As a result of the proposed works and requirement for site access, several trees have already been removed from the site, which has resulted in the area appearing more barren. The submitted application identifies that the trees which will be removed as part of this application will be replaced once works have been completed. In order to ensure that this happens, and ensure that the new trees are maintained appropriately it is considered necessary to impose a condition that requires details of the replacement trees and ongoing maintenance. Once the replacement trees are replanted and matured it is not considered that there will be significant visual difference to the site than before works began.

Amenity considerations

- 7.12 The proposed introduction of sheet pile wall, and the clearance of the trees is not considered to adversely impact on the amenity of neighbouring residents through the loss of light or from being overbearing.
- 7.13 In addition, the proposed underground storage tank and pump station are not considered to result in any adverse impact on amenity outside of the construction phase by virtue of noise or vibration. As such it is considered that the proposal will not result in any adverse impact on the amenity of neighbouring residents and would comply with the requirements of the adopted local plan and NPPF.

Highways considerations

- 7.14 The Highways Authority originally raised an objection to the application as they considered that the Traffic Management arrangements shown on the planning drawing would be detrimental to the safety of users of the highway.
- 7.15 The applicant subsequently submitted additional information in regards to accessing the site. The Highways Authority have confirmed that the revised drawing showing amended traffic management and temporary works arrangements is acceptable. No highways related conditions are recommended but they have requested that the Construction

Management Plan should include wheel washing, contractor parking and access arrangement information

Ecology and tree considerations

- 7.16 The proposed works are within a wooded corridor with dense scrub, drainage ponds which border residential properties and Tom Crips Way. The trees are predominately a mix of ash, Sycamore, Poplar, Willow, Hawthorn, Oak, Field maple, Goat Willow and Aspen. The trees in and immediately around the site are not protected.
- 7.17 The application has submitted a Tree Report and Arboricultural Implication Assessment by JBA Consulting for Balfour Beatty. This resulted in 30 trees being surveyed and 4 Groups. To facilitate the installation of the sheet pile trees 3 individual trees, and 2 groups of trees will need to be removed due to the trees being in direct curtilage of the works.
- 7.18 To facilitate access works at the North West end of site, seven trees are to be removed. The remaining trees in these groups should have their RPAs (root protection areas) protected.
- 7.19 In addition, if access is required along the south bank of Kirkley stream to facilitate their installation of the piling, then two individual trees and Group 1 of trees will need to be removed. However, the access for the site will be from the north bank and as such it is not envisioned that this clearing will occur.
- 7.20 After work has been completed the submitted report recommends that the site is replanted with trees to replace the ones removed to allow the proposed works to be completed. The species selected to mirror those lost during construction phase and to be sourced from plant stock with local provenance. In order to ensure adequate and suitable replacing occurs, and that property maintenance is provided in order to ensure that take up occur it is considered that a condition should be imposed.
- 7.21 The Environment Agency has raised concerns about the potential presence of Water Vole on the site. The submitted 'Preliminary Ecological Appraisal Report' details that "Water Vole have historically been recorded on this drain, although it has been noted that the heavily shaded areas offer little in the way of marginal habitats for forage and cover and previous surveys have not recorded this species within the footprint of the proposed works (JBA, 2018). Although the watercourse could not be fully surveyed for Water Vole, the habitats within the works footprint were considered to be sub-optimal for this species due to the shaded nature of the watercourse. No field signs for this species were recorded during the survey."
- 7.22 The Environment Agency raised concerns about the presence of Water Vole on the site, and concluded that a separate Water Vole survey should be undertaken in order to rule out their presence. The agent has provided a letter to the Environment Agency re-iterating that the site area was sub-optimal for the species and that no field signs were identified during the preliminary survey. Further comments from the Environment Agency will be provided to members in the update sheet.
- 7.23 The submitted 'Preliminary Ecological Appraisal Report' has also identified that the proposal will have little impact on the ecology of the site, and has identified a number of

measures that should be implemented in order to protect protected species from potential harm. A condition is required to ensure that the recommendations of the 'Preliminary Ecological Appraisal Report' are implemented in full.

- 7.24 The Environment Agency has also raised concerns in regards to potential Fish Entrapment in the underground storage. It has been confirmed that there is no risk to fish as the pumps are on the storm sewer network and not in the channel.

Other matters

- 7.25 An EIA screening opinion was undertaken for the works under reference DC/18/3988/EIA, which concluded that "Taking all of these points into account I have concluded that the red lined development is not likely to have significant effects on the environment either by itself or in cumulative effect with the other works to the harbour area and on this basis I do not consider that an Environmental Impact Assessment will be required."
- 7.26 The application red line and proposed works remain the same as those considered under the EIA screening opinion and therefore it is still not considered by officers that the application requires the submission of an Environmental Impact Assessment.

Planning balance

- 7.27 The proposed development will further protect a number of surrounding homes from potential flooding, which is considered to provide both an economic and marginal social benefit to the area. In addition, it is not considered that the proposal would result in significant ecological impacts, and once the lost trees are replaced it is considered that the proposal will have little visual impact. As such it is considered that on balance that the positives outweigh the minor negatives of this proposal.

8 CONCLUSION

- 8.1 In conclusion, it is considered that the proposed works preserve the character and appearance of the Area, and would have no adverse amenity impact to of neighbouring residents. In addition, the proposal will reduce the flooding risk to the area. As such the principle and detail of the development is considered to be acceptable and in compliance with relevant local plan policies and the National Planning Policy Framework.

9 RECOMMENDATION

- 9.1 It is recommended, subject to comments being received from the Environment Agency, that the application be **approved** subject to the following conditions:

1. The development hereby permitted 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.

2. The development hereby permitted shall be completed in all respects strictly in accordance with:

- Proposed Works, reference 15-12-40 04 Rev A, received 12/03/2019,
 - Proposed Works, reference 15-12-40 03, received 12/03/2019,
 - Site Location Plan, reference 15-12-40 20, received 12/03/2019;
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. Within 3 months of completion of construction, details of all Sustainable Urban Drainage System components and piped networks (including pumps and attenuation tanks) shall be submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

4. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - access arrangements
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: to avoid unacceptable impact upon residential development during the demolition and construction phases

5. Prior to completion of the works hereby approved, full details of soft landscape works should be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme; and maintenance programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

6. The mitigation measures outlined in the hereby approved; Bat Aerial Tree Inspections Report, and received 17/01/2019 and Preliminary Ecological Appraisal Report, dated July 2018, and received 17/01/2019, for protecting protected species

during and after construction of the approved development shall be implemented in their entirety in accordance with the timeframes outline within the Survey.

Reason: In the interests of nature conservation

BACKGROUND INFORMATION:

See application ref: DC/19/0210/FUL at
www.eastsuffolk.gov.uk/public-access

CONTACT

Matthew Gee, Planning Officer, 01502 523021,
matthew.gee@eastsuffolk.gov.uk