

APPLICATION NO DC/15/3782/ARM

LOCATION
Woods Meadow
Lime Avenue
Oulton
Suffolk

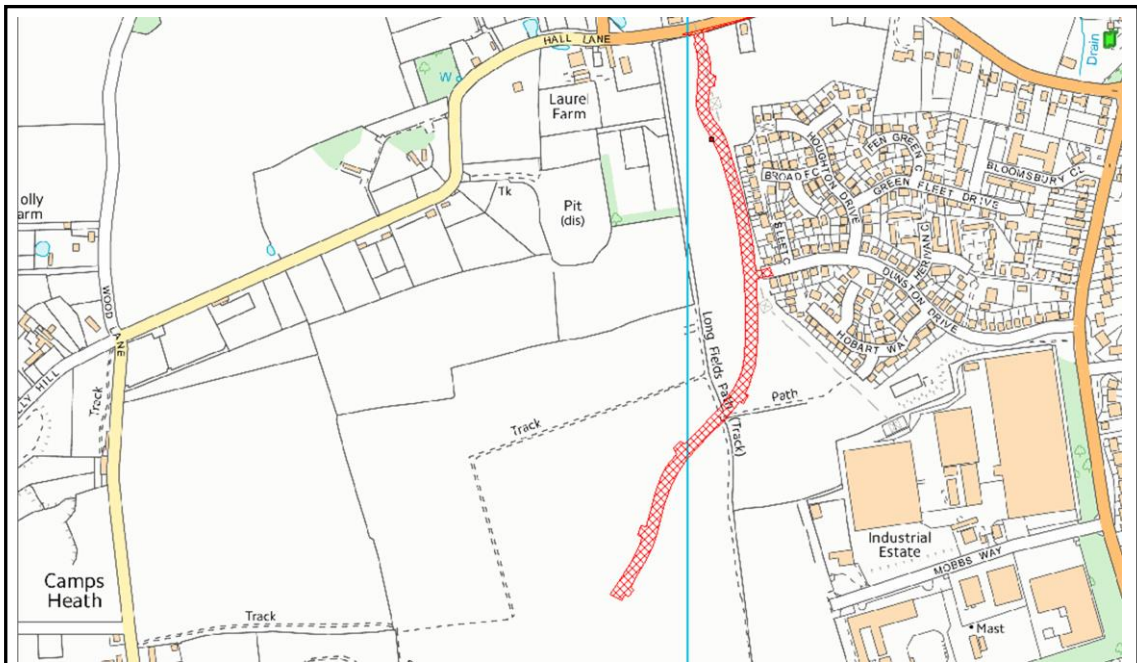
EXPIRY DATE 31 May 2017 (Extension of time until 2 June 2017)

APPLICATION TYPE Approval of Reserved Matters

APPLICANT Persimmon Homes/Charles Church (Anglia)

PARISH Oulton

PROPOSAL Approval of Reserved Matters of DC/01/0997/OUT (W17802) - Outline Application for a mixed use development comprising of residential, neighbourhood shopping centre, community hall, primary school, play areas and country park - Layout of remaining sections of Spine Road for Woods Meadow



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SUMMARY

- 1.1 Land at Woods Meadow was allocated for residential development in the Waveney Local plan 1996 and authorisation to grant outline consent was given by the Development Control Committee in 2007 subject to the completion of a Section 106 Agreement. The outline planning consent was granted in 2013 and included provision for approximately 800 houses, community facilities, primary school and a country park. Phase 1 of the development was granted in 2014 for 246 dwellings and included part of the main spine road for the development accessed of Lime Avenue. This application seeks consent for the remaining section of the spine road which will extend up to Hall Road along the northern boundary of the site.
- 1.2 The application is referred to committee as the site area exceeds 1 ha.

SITE DESCRIPTION

- 2.1 The site forms part of a larger agricultural field. Land to the south is currently being developed for 246 houses as Phase 1 of Woods Meadow whilst to the east is established residential development on the Dunston estate. The boundary between the rear gardens of these properties and the application site is marked by walls and fences. Rear garden walls and fences to these properties run along the boundary to the application site. Further to the east is Mobbs Way Industrial Estate. A public footpath, Longfields Path, crosses the route of the proposed spine road.

PROPOSAL

- 3.1 This application seeks consent for the remaining section of the spine road for the Woods Meadow development. The first section of the spine road was approved as part of the first phase of development for 246 houses (DC/14/2515/ARM) currently under construction. The spine road will give access to the new primary school and community centre which form part of the Woods Meadow proposals together with future phases of housing.
- 3.2 An acoustic report assesses the potential noise impacts on existing residents. The proposal includes the provision of an acoustic fence along part of the route in order to mitigate any noise impacts on existing residents on the Dunston estate to the east of the spine road.

CONSULTATIONS/COMMENTS

- 4.1 **Neighbour Consultation/representations:** 50 neighbouring properties were notified of the application. One email and one letter has been received from one resident objecting to the application on the following grounds:
 - The proximity of the link road between Hall Lane and Dunston Drive to existing property rear boundaries. The road is directly under power lines. Houses cannot be built under power lines. Therefore the decision is based on economics omitting the impact to local residents.
 - The road does not have large areas of land either side to help reduce noise, disperse pollution and provide higher levels of safety to pedestrians.

- The proximity of the road to noise screening is not possible (except for the back walls/fences of the existing boundary which will lie within 0.3 – 1.3m from the road).
- The external noise report LA/1417/01R/ML concluded the level of noise to residents close to the link road would exceed WHO standards.
- Proposed alternative: Placement of the road 15-20 metres from existing back walls; lower the road by 15-75cm; provide better noise screening (fences, shrubs), not just relying on residents existing privately owned back walls).

4.2 **Oulton Parish Council:** Oulton parish council having received the amended matters, and after reading the documents on line, do not have the expertise to comment properly, as we believe this matter is subject to County Standards and guidance.

4.3 We are aware of the parishioner's views that are affected by the road, who voiced concerns about road noise intruding into their homes and gardens, we read that their concerns are being addressed; we will monitor progress of the road. We do appreciate being included in this process.

Consultees

4.4 **Suffolk County Council Highways:** The County Council as Highways Authority does not wish to restrict the grant of permission.

4.5 **Suffolk County Council Rights of Way:** The proposed route of the spine road crosses the eastern end of Oulton public footpath no7 as shown on the highway layout plan E3189/25/F. It is an offence to damage, disturb or obstruct a public right of way. Persimmon Homes must apply for a legal order to divert this footpath so that the development can take place.

4.6 The proposed road also crosses the Longfields footpath, Oulton FP4 and a safe and accessible crossing point should be provided, dropped kerbs as a minimum so that all pedestrians can cross without encountering unnecessary obstructions, particularly pertinent for people with mobility issues for whom a kerb is a physical barrier. The Longfields path is currently a very popular walking route and will remain so in the new development providing a pedestrian route away from the traffic through the estate.

4.7 The drawings also refer to both FP4 & 7 being diverted along the spine road but having discussed the application with Chris Sperrin from Persimmons, he confirms that this is an error of labelling in the drawing and it will be removed for clarity.

4.8 I can confirm that the ROW & Access Team does not object to this application on the understanding that there will be dropped kerbs for the crossing point of FP4, the Longfields path, and that a legal order will be pursued as a matter of urgency for the diversion of FP7.

4.9 **WDC Environmental Health Officer: Noise:** No objection subject to a condition requiring all the details and specifications of the acoustic barrier to be agreed.

4.10 **WDC Environmental Health Officer: Contaminated Land:** No objection.

4.11 **WDC Arboricultural & Landscape Officer:** No objection

PUBLICITY

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

Category	Published	Expiry	Publication
Major application Public Right of Way Affected	27.11.2015	17.12.2015	Beccles and Bungay Journal
Major application Public Right of Way Affected	27.11.2015	17.12.2015	Lowestoft Journal

SITE NOTICES

4.13 The following site notices have been displayed:

General Site Notice	Reason for site notice: Major application. In the Vicinity of Public Right of Way. Date posted 25.11.2015. Expiry date 15.12.2015
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PLANNING POLICY

5.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out the government's planning policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental, and the planning system must perform these three roles.

5.2 The main thrust of the NPPF is a presumption in favour of sustainable development and, in decision-taking, planning authorities should approve development proposals that accord with the development plan. In the case where the development plan is silent, is absent or is out of date, planning authorities should grant permission unless any impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or that specific policies in the Framework indicate that development should be restricted.

5.3 The **Core Strategy** was adopted in January 2009. **Policy CS01** sets the spatial strategy for the District. **Policy CS02** requires high quality and sustainable design. In particular proposals should reflect local character and distinctiveness and protect historic character.

Policy CS11 deals with the provision of housing and states that in the region of 5,000 dwellings will be provided in Lowestoft in the period to 2025.

- 5.4 The **Development Management Policies** were adopted in 2011. **Policy DM01** sets physical limits for some settlements, **Policy DM02** sets down Design Principles for new development, in particular proposals are expected to protect the amenities of neighbouring uses in terms of noise and other forms of disturbance.

PLANNING CONSIDERATIONS

- 6.1 Land at Woods Meadow was allocated for residential development in the Waveney Local plan 1996 and authorisation to grant outline consent was given by the Development Control Committee in 2007 subject to the completion of a Section 106 Agreement. Outline planning consent was granted in 2013 and included provision for approximately 800 houses, community facilities, primary school and a country park. Phase 1 of the development, for 246 dwellings, was granted in 2014 and included the first section of the main spine road for the development, accessed of Lime Avenue. Accordingly the principle of development on the site is well established. The spine road will provide access to the primary school and future phases of housing. It is understood that construction of the school is scheduled to commence later this year and is due for completion in 2019.
- 6.2 Condition 3 a) of the outline planning permission required the approval of a master plan for the entire site. The purpose of the master plan was to agree the location of the main elements of the development including the line of the main link roads, footpath/cycle links, Public Rights of Way, residential areas, primary school and public open spaces.
- 6.3 The master plan was approved in January 2015 (Application Ref DC/14/1343/DRC) showing the line of the main spine road. This current application is consistent with the approved line of the spine road shown on the master plan.
- 6.4 Although this proposal is in accordance with the approved master plan it will be important to ensure that any road noise does not adversely affect the existing residential properties immediately to the east of the road. To assist in this consideration the application is supported by a Noise Impact Assessment (NIA). The introduction to the NIA states:
- 6.5 “Part of the road’s route will be within the undevelopable area beneath the line of pylons connecting power lines to the Mobbs Way industrial units, and as a consequence will take it close to a number of rear gardens of houses fronting Houghton Drive, Broad Fleet Close and South Leet Close. Concern has been raised by some of the residents of these properties that traffic using the new road may inflict an unreasonable level of noise on the rear of their properties resulting in an adverse affect on amenity. Similar concerns have also been raised by the local authority Environmental Health Officer (EHO) Mark Seaman.
- 6.6 Loven Acoustics was therefore commissioned to assess the potential noise impact from the link road on the existing local residents and provide a report detailing the predicted impact and any practical mitigation necessary to meet the relevant standards”.

- 6.7 The criteria for assessment in the NIA is based on the World Health Organisation (WHO) Guidelines for Community Noise and BS 8233:2014, both of which suggest noise limits for internal noise and outside living space (garden) noise to ensure that amenity is not adversely affected.
- 6.8 A brick wall (approx. 90m) and fence (approx. 70m) adjacent to the proposed road enclose rear gardens of existing residential properties. For daytime internal noise levels the NIA shows that as long as the boundary fence is solid and imperforate and has a height of at least 1.8m, the daytime internal noise level is predicted to be within the WHO criteria, even allowing for open windows.
- 6.9 Similarly the NIA shows that overall night-time noise levels within 1st floor bedrooms with windows open are also expected to be within the WHO criteria. Again these findings assume the retention of a minimum 1.8m high solid fence to the boundary with the road.
- 6.10 The NIA recommends that the design of the new road should be such that the level of the road surface is at least 1.8m below the lowest parts of the existing wall. Due to the sloping nature of the land maintaining a minimum 1.8m height will achieve an effective barrier height of between 1.8m and 2.1m at the highest part of the barrier.
- 6.11 In order to meet the requirements of the NIA the applicant is proposing to lower ground levels where appropriate to maintain a consistent minimum height between the road level and the top of back garden fences/walls of existing residential development on Houghton Drive, Broad Fleet Close and South Leet Close. A plan has been submitted which indicates that ground levels are to be reduced by between 0.25m and 0.33m. This will ensure that the top of the existing fence to the rear of properties on South Leet Close will be 2.060m higher than the road and the top of the existing wall to the rear of properties on Broad Fleet Close is 2.204m higher than the road.
- 6.12 The existing wall to the rear of properties in Broad Fleet Close will provide good noise mitigation. However the existing fence to the rear of properties in South Leet Close contains some gateways and will not therefore be as effective as a brick wall for mitigating road noise. As a result therefore it is proposed to erect a new fence adjacent to the existing fence in order to maintain adequate noise mitigation from the road. A plan has been submitted showing the location of the proposed fence adjacent to the existing fence. However the detailed specification of the fence has yet to be submitted. The Environmental Health Officer is of the view that subject to approval of the detailed specifications, the proposed fence will be sufficient to adequately mitigate road noise. These details could be secured by condition.

CONCLUSION

- 7.1 The site is part of a larger housing development which had been allocated for housing for many years and is currently under construction. The first section of the spine road for the site has already been constructed as part of phase 1 of the development. The remaining section of the spine road is required in order to provide to access the primary school, which is due to be built soon, and future phases of housing.

- 7.2 There are existing residential properties in close proximity to the east of the proposed road. In order to ensure that these properties are not adversely affected by noise from the road it is proposed to reduce the ground levels along sections of the road. This reduction in ground levels, together with the existing brick wall and a proposed new fence will adequately mitigate road noise in accordance with WHO guidelines. Subject to these measures and details of the proposed fence, the Environmental Health Officer raises no objection to the application.
- 7.3 Accordingly therefore the application is recommended for approval subject to controlling conditions.

8 RECOMMENDATION

8.1 That permission be granted subject to the following conditions:

1. The development hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with Drawing Nos 950/P/003 Rev A received 14 December 2015, E3189/47/B received 9 January 2017, WM-CIV-008 received 11 April 2017 and the following plans E3189/22/E, E3189/23/D, E3189/25/F, E3189/26/E, E3189/29/D, E3189/28E, E3189/31/C, E3189/32/B, E3189/34/E, E3189/35/E, E3189/37/E, E3189/38/E, E3189/39/E, E3189/40/G, E3189/41/C, E3189/42/E, E3189/43/C, E3189/45/B, E3189/51/F, E3189/52/E, E3189/55/D, E3189/56/C, E3189/57, E3189/58/A, E3189/59, E3189/371/C, E3189/371/B, E3189/21/G, E3189/24/G, E3189/27/G, E3189/30/D, E3189/33/G, E3189/36/F, E3189/50/F, E3189/54/E and E3189/370/C.

Reason: To secure a properly planned development.

3. Prior to the commencement of development full details and specifications of the acoustic fence/barrier shall be submitted to and approved in writing by the local planning authority. Before the road is opened to traffic the acoustic fence/barrier shall be erected in accordance with the approved details and retained thereafter.

Reason: In the interests of residential amenity.

BACKGROUND INFORMATION:

See application ref: DC/15/3782/ARM at

www.waveney.gov.uk/publicaccess

CONTACT

Phil Perkin, Principal Planning Officer, (01502) 523073,

philip.perkin@eastsoffolk.gov.uk