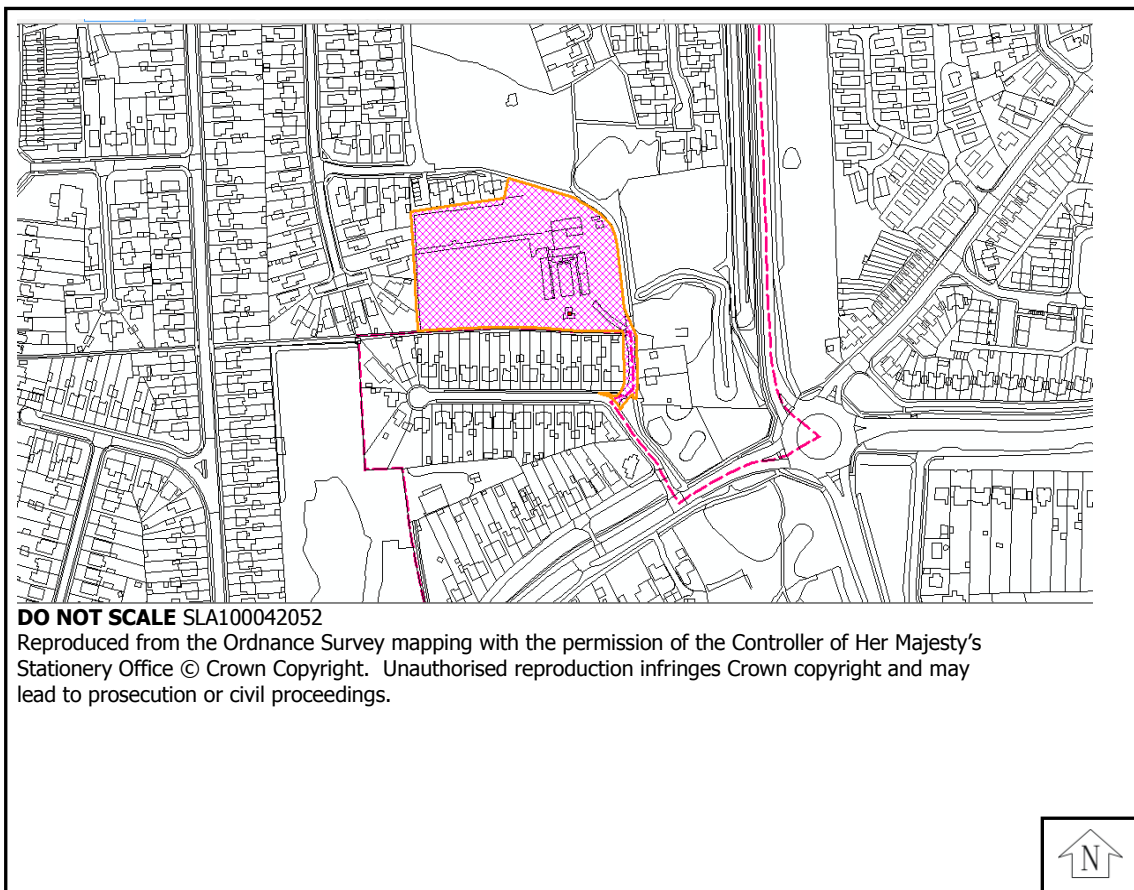


PLANNING COMMITTEE – 30 MAY 2017**APPLICATION NO** DC/17/0633/FUL**LOCATION**Land Off
Monckton Avenue
Lowestoft
Suffolk
NR32 3EQ**EXPIRY DATE** 1 June 2017
APPLICATION TYPE Full Application
APPLICANT Badger Building (E. Anglia) Ltd**PARISH** Lowestoft**PROPOSAL** Residential development including new access road**SUMMARY**

- 1.1 This proposal will deliver affordable housing. Site constraints related to drainage make the layout less than optimal in some details but on balance the delivery of homes and affordable housing justifies a recommendation for approval.
- 1.2 The application comes before the Committee as this is a major development.

SITE DESCRIPTION

- 2.1 The redlined site area here proposed forms the main part of the site specific allocation LOW 9 and is located north of Monckton Avenue. This northern part of the site specific allocation is 1.61 hectares. A footpath runs between the gardens of Monckton Avenue and the boundary of the site. Another footpath runs north from the entrance along the eastern boundary. The site is bordered by housing on Kesgrave Drive and Hadleigh Drive on its western boundary and part northern boundary. To the north and west is Kesgrave Drive open space, pond and play area.
- 2.2 The site was used for horticulture and the storage of plants, bins and vehicles. The gravel drives, greenhouses, brick buildings and offices in portacabins, have been cleared. The site is mainly hedged, with a line of fairly young trees planted along a fence on the eastern boundary. It slopes gently down to the north and the open space and housing off Kesgrave Drive.
- 2.3 The site is mainly considered to be brownfield land within the physical limits of Lowestoft. It has good access to services and facilities, and is well connected to existing pedestrian, cycle and public transport routes. The accessibility of this site makes it a good location for housing development.

PROPOSAL

- 3.1 The proposal features affordable housing in the northeast quadrant closest to the open space and the pond with a block of 6 flats with three entrance points closest and two groups of four units of one, two and three bedroom types flanking this.
- 3.2 Plots 11 to 19 are all shown as Bungalows to the north and east side of the site and a mix of detached and semidetached types.
- 3.3 Plots 20 to 22 are smaller houses all detached. Plots 1 to 11 are larger detached houses on the south boundary of the site. They back on to Monckton Avenue.

CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:**
- 4.2 **20 Hadleigh Drive** writing on behalf of **18 to 26** inclusive concerned about surface water flooding being exacerbated given that flooding has worsened over the years especially following the development of Kesgrave Drive. Claim that standing water resulted in collapse of a wall. Floodgates have been fitted to the property.
- 4.3 **1 Monckton Avenue: (précised)** This new development provides a golden opportunity to improve the access road off Monckton Ave to improve safety. The access to the site joins Monckton Ave at a narrow bend as evidenced by the 'Dead Slow' sign. The proposed access remains narrow and the sharp bend will create dangerous corner cutting. Large vehicles will have to mount the roadside curbs. Right hand turns will be dangerous. There will be conflict with school children. The drive to 1 Monckton Avenue will encounter danger from the additional traffic.

- 4.4 A safer alternative would be to build a mini roundabout for access on Monckton Ave nearer to Normanston Drive on the grass verge. The resulting access road would be straighter.
- 4.5 **6 Monckton Crescent: (precised)** Concerns regarding access onto Normanston Drive from Monckton Ave and Monckton Crescent due to traffic levels, use of the access for turning to avoid congestion.
- 4.6 **15 Monckton Ave (precised)** LOW9 required a bat survey and site investigation. The existing footpaths are not upgraded for cycle use and the information unclear. The removal of the vegetation on site gives a misleading impression of how the site was. Water from the soakaway S4 will affect contaminated land. The properties on Monckton Avenue will lose views to the open space. Number 15 has a large rear extension placing plot 4 too close to that property. There will be conflict between pedestrians, cyclists and traffic at the junction and it does not accord to Suffolk Highways standards and is narrow and sharply curved leading to kerb clipping by large vehicles.
- 4.7 **24 Monckton Avenue precised:** Resident for 24 years. We do not understand why WDC would contemplate 42 dwellings here. The developer must adhere to the Health and Safety At Work Act 1974. Construction traffic access will be dangerous for all other users. Will the footpaths be closed during construction work and if so, what alternative will be provided? Roads must be kept clear of mud. Workers must not park in Monckton Avenue. Emergency services and residents access must be available at all times. Building work must not take place at night.
- 4.8 The developer cut the electricity supply during site clearance. Noise must be limited. Harm to ecology must be limited. Flood risk assessment must be carried out. Eighty four vehicles will conflict with two footpaths. A second access is required. This amount of dwellings materially changes noise, light pollution and sewerage, compared to the previous plant nursery.
- 4.9 How will WDC spend the sale money received? Council Tax has increased. The proposed dwellings will produce additional increased revenue.
- 4.10 **37, Hadleigh Drive (precised)** The proposed site layout shows a 1.8M Close Boarded Fence to be erected on the west boundary.
- 4.11 The Land and Planning Manager for the developer has said the steel palisade fence would remain around the site during construction and then removed. A close boarded fence as illustrated on the proposed site layout is required to replace the beech hedge in the ownership of the developer. I need confirmation of this and lodge an objection to the proposed development until the fence is provided.
- 4.12 **36 Monckton Avenue objects (precised):** Increased traffic from 42 houses will produce additional congestion and hamper right turns on to Normanston Drive at peak times and school runs. While Lowestoft needs more housing consideration of extra traffic is needed. Imposing a no right turn at the exit of Monckton Avenue would work as residents now tend to turn left and use the roundabout. A second access/exit would also help.

4.13 Unknown address (precised): We oppose this as this quiet family area will be destroyed. The road will be unsafe for school children and others. The area attracts dog walkers, fishermen, duck feeders and birdwatchers. Monckton Avenue is used for turning by lorries. There is a driveway too close to the junction. People speed on Monckton Avenue and park outside our house. There are bats and other wildlife present. I work nights, extra traffic will cause direct harm as will construction works, it will take years to build. Property value will suffer.

Consultees

4.14 **Environment Agency - Drainage** : We have no objection to the proposal provided that the 6 conditions described below are included should you be minded to grant permission.

4.15 **The water environment** The site is underlain by Secondary A aquifers (Happisburgh Glacigenic Formation and Corton Woods Sand and Gravel Member) followed by a principal aquifer (Crag Group). A source protection zone 3 also underlies the site and is also in an EU Water Framework Directive Drinking Water Protected Area. A drain runs adjacent to the site which ultimately drains to a pond. The environmental sensitivity of the site is considered to be high. The Stage 1 Contamination Assessment is very basic and does not constitute a full preliminary risk assessment which will be required in due course. Notwithstanding this it is sufficient to inform the general contamination risk and we are willing to be pragmatic and recommend land contamination conditions.

4.16 We understand a Phase 2 report is being completed and we require a review of this along with a full preliminary risk assessment in due course. Infiltration devices are proposed so further detail is required. We recommend that our Sustainable Drainage Systems (SuDS) informative, provided as an appendix, is reviewed to understand our requirements.

4.17 The applicant should also provide confirmation the proposed foundation type. If shallow foundations are required, no further detail is needed than a confirmation. If piles or ground improvement techniques such as vibro stone columns are proposed, a foundation works risk assessment may be required following assessment of the potential contamination risk at the site. We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

4.18 We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

4.19 We ask to be consulted on the details submitted for approval to you to discharge these conditions and on any subsequent amendments/alterations.

4.20 **Condition 1:** No development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site 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. This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site.

- 4.21 However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. You must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should you decide to obtain the necessary information under condition we would request that this condition is applied.
- 4.22 **Condition 2:** No occupation of any part of the permitted development or of each phase of 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 shall be 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.
- 4.23 **Condition 3:** No 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, shall be 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.
- 4.24 **Condition 4:** 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.

- 4.25 **Reasons for conditions 1-4** : To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, Source Protection Zone 3, nearby drains and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection position statements (2017) A4 – A6, J1 – J7 and N7.
- 4.26 **Condition 5**: No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 4.27 **Reasons**: To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, Source Protection Zone 3, nearby drains and EU Water Framework Directive Drinking Water Protected Area) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection position statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.
- 4.28 **Condition 6**: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details:
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>
- 4.29 **Reasons** Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.
- 4.30 For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.
- 4.31 **SCC Ecology** were consulted on the 7 March 2017.
- 4.32 **Sustrans (East Of England)** were consulted on the 7 March 2017.
- 4.33 **Essex and Suffolk Water PLC** Our records show that our existing apparatus does not appear to be affected by the proposed development. We have no objection to this development

subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

- 4.34 **Suffolk County - Highways Department** they are not at the time of writing supporting the application as the Transport Assessment required by policy LOW9 was not submitted with the application, and as such no conditions have been formalised. The assessment is in preparation and early advice based on survey is that junction capacity is available.
- 4.35 **WDC - Arboricultural And Landscape Officer:** This site is not within the Conservation Area and there are no TPOs. I could see whole site from the 2 footpaths bordering the site.
- 4.36 There are no remaining trees on site.
- 4.37 There is an old Privet hedge bordering the footpath between the site and Monckton Avenue and an established and well maintained Beech hedge along the properties Nos. 10 – 20 Kesgrave Drive. Along with various trees off site. Poplar, Eucalyptus, Pine & Sycamore along boundary with Monckton Avenue and a conifer in rear garden of No. 20 Kesgrave Drive.
- 4.38 Whilst I have no objection to this proposal on tree grounds, I would like to see a detailed landscaping scheme. Drawing No. SL01 J shows the existing Privet hedge to be retained and new Beech hedging along the Kesgrave Drive which I welcome. (The applicant has agreed to a pre-commencement condition for landscaping design).
- 4.39 **WDC Environmental Health - Contaminated Land** (Initial comments received) The site is located in close proximity to the Neeves Pit former landfill site. Raised levels of landfill gas were detected in the area allocated for allotments and open space. However, as a precaution gas protection measures should be implemented where necessary. The site also lies over a principal aquifer and therefore there is the potential for the contamination of controlled waters.
- 4.40 (Formal consultation response) The Stage 1 Contamination Assessment submitted with the application is not a competent or comprehensive Phase 1 contamination assessment and lacks many fundamental elements such as the detailed identification of on and off site sources, a conceptual site model, an assessment of the risks posed by the potential on and off site sources and detailed proposals for further investigation / assessment. The submitted report contains insufficient detail, fails to accord with recognised guidance (e.g CLR11 and BS10175) and does not demonstrate that the site is, or can be made, suitable for the proposed development. I would advise that a conditional permission could be granted but the applicant will need to submit a competent, comprehensive Phase 1 which will almost certainly have to be followed by a Phase 2. These works, together with any remediation and validation which may subsequently be required, should be secured using the suitably worded conditions 5 model conditions (or similar).
- 4.41 **Suffolk County - Rights Of Way** This response deals only with the onsite protection of affected PROW, and does not prejudice any further response from Rights of Way and Access. As a result of anticipated increased use of the public rights of way in the vicinity of the development, SCC will be seeking a contribution for improvements to the network. These requirements will be submitted with Highways Development Management response

in due course. Public Footpath 20 (FP20) is recorded adjacent to the proposed development area. Further information is required about the boundary treatment onto FP20 and as to who will maintain a hedge or fencing between the development and FP20.

- 4.42 **Police - Alan Keely Crime Reduction Beccles Police Station** were consulted on the 7 March 2017.
- 4.43 **SCC Flooding Authority:** In principle the drainage strategy for the site is acceptable and adheres to the drainage hierarchy where possible. Infiltration is the main discharge solution, with a reduced discharge rate to the Anglian Water surface water system where infiltration is unviable. Additional details are needed:
- 4.44 Five trial pits were undertaken to BRE 365 methodology and their results have been provided in 4.3 of the drainage strategy. However the full ground investigation report should be submitted with the soil logs
- 4.45 The site is within a source protection zone (SPZ). The correct treatment of surface water is needed in accordance with Ciria C753.
- 4.46 Soakaways have been situated in areas of proven infiltration, ideally soakaways should be spread out in these areas to mimic natural processes. This is instead of concentrating all water into one area of the site.
- 4.47 Who will maintain the soakaways? Soakaways are shared for each zone of the development but have been placed within private gardens. Can exceedance routes be provided in the event of system failure?
- 4.48 **Anglian Water:** Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 4.49 The foul drainage from this development is in the catchment of Lowestoft Water Recycling Centre that will have available capacity for these flows.
- 4.50 Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will request a condition requiring compliance with the agreed drainage strategy
- 4.51 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The Building Regulations include a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.
- 4.52 The surface water strategy/flood risk assessment submitted is unacceptable to Anglian Water and we recommend that the applicant needs to further consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy to be agreed.
- 4.53 **Suggested Planning Conditions:** Anglian Water recommends the following planning conditions should the Local Planning Authority grant planning approval:

- 4.54 *No development shall commence until a foul water strategy 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 foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.*
- 4.55 **REASON** *To prevent environmental and amenity problems arising from flooding.*
- 4.56 *No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.*
- 4.57 **REASON** *To prevent environmental and amenity problems arising from flood*
- 4.58 **Suffolk County Archaeologist:** Our advice regarding this planning application is that, no archaeological conditions should be placed upon it.
- 4.59 **Suffolk County CIL and S106 Officer:** (precised)
- 4.60 Most infrastructure requirements are covered under the regulation 123 list of the CIL charging schedule, part of the criteria by which development is sustainable in the NPPF is that it contributes to infrastructure cost. (see Developers Guide to Infrastructure Contributions in Suffolk).
- 4.61 Requirements: Education, the following minimum pupil yields from a development of 45 dwellings is:
- a. Primary school age range, 5-11: 11 pupils. Cost per place is £12,181 (2016/17 costs).
 - b. Secondary school age range, 11-16: 8 pupils. Cost per place is £18,355 (2016/17 costs).
 - c. Secondary school age range, 16+: 2 pupils. Costs per place is £19,907 (2016/17 costs).
- 4.62 The local catchment schools are Woods Loke Primary School and Ormiston Denes Academy. At the primary school level current SCC forecasts show that there will be no surplus places available to accommodate any of the primary age pupils, so a future CIL funding bid of £133,991 (2016/17 costs) will be made. At the secondary school level forecasts show that there are surplus places.
- 4.63 Pre-school provision: In the Normanston Ward, there are Early Years providers at Rainbow Preschool at Roman Hill; Poplars Community Primary; Northfield St Nicholas; Roman Hill Primary; St Andrews Pre School; 3 Childminders and at Lowestoft College from September 2017 a predicted deficit of 81 Early Education places. This proposal would result in 5 children requiring facilities. A CIL contribution of £30,455 would be sought for this.
- 4.64 Play space provision: Consideration will need to be given to play space provision in line with 'Play Matters: A Strategy for Suffolk'.
- 4.65 Transport: NPPF requires assessment of highways and transport issues to include a travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning

conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. Parking should meet Suffolk Advisory Parking Guidance (2014).

- 4.66 Libraries: Suffolk County Council's in-house standards recommends a figure of 30 square metres per 1,000 population as a benchmark for local authorities; which for Suffolk represents a cost of £90 per person or £216 per dwelling based on an average occupancy of 2.4 persons per dwelling. The CIL contribution towards libraries from this scheme is £9,720.
- 4.67 Waste: SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling by a planning condition. SCC would also encourage the installation of water butts. The waste disposal facilities CIL contribution of £51 per dwelling gives a total of £2,295.
- 4.68 Supported Housing: In line with Sections 6 and 8 of the NPPF, homes should be designed to meet the health needs of a changing demographic population.
- 4.69 Sustainable Drainage Systems: A consultation response will be coordinated by Suffolk County Council Floods
- 4.70 Fire Service: Fire hydrant issues will be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water
- 4.71 Super-fast broadband: We recommend that all development is equipped with high speed broadband (fibre optic) to facilitate home working.
- 4.72 Legal costs: SCC requires an undertaking for the reimbursement of its own legal costs in connection with work on a S106A, whether or not the matter proceeds to completion.
- 4.73 The above will form the basis of a future bid to Waveney District Council for CIL funds if planning permission is granted and implemented.

5.0 PUBLICITY

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

Category	Published	Expiry	Publication
Major Application, Public Right of Way Affected,	17.03.2017	06.04.2017	Beccles and Bungay Journal
Major Application, Public Right of Way Affected,	17.03.2017	06.04.2017	Lowestoft Journal

6.0 SITE NOTICES

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 07.03.2017 Expiry date 27.03.2017
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7.0 PLANNING POLICY

7.1 Relevant policies include:

- LOW9 Monckton Avenue Nursery, Lowestoft (Adopted Site Specific Allocation, January 2011)
- CS02 High Quality and Sustainable Design (Adopted Core Strategy, January 2009)
- CS11 Housing (Adopted Core Strategy, January 2009)
- DM02 Design Principles (Adopted Development Management Policies, January 2011)
- DM16 Housing Density (Adopted Development Management Policies, January 2011)
- DM17 Housing Type and Mix (Adopted Development Management Policies, January 2011)
- DM18 Affordable Housing (Adopted Development Management Policies, January 2011)
- DM25 Existing and Proposed Open Space (Adopted Development Management Policies, January 2011)
- CS03 Flooding and Coastal Erosion (Adopted Core Strategy, January 2009)

8.0 PLANNING CONSIDERATIONS

- 8.1 This site forms part of the site specific housing allocation **LOW 9** which covers a total area of 2.3 hectares, where this northern part of the allocation of 1.6 hectares is proposed as developed for housing. The policy suggested that sheltered housing could be included, though that was clearly optional in the policy rather than necessary. The policy identified capacity for approximately 48 dwellings at the density of 30 dwellings per hectare, that is cited as a reasonable average to be achieved in suburban situations in policy **DM16** (density) in the Adopted Development Management DPD. The proposal provides a total of 45 dwellings broadly in line with both policies given the urging that density levels should be appropriate to the character of the context.
- 8.2 In line with **DM18** (Affordable Housing) policy **LOW 9** also required that subject to viability 35% of the homes created should be provided as affordable housing. The submitted proposal provides one third of the dwellings as affordable.
- 8.3 Policy **DM17** requires that across the District over the plan period up to 30 to 40% of all new dwellings across the District should be designed for single people and couples. This should comprise of 1 but preferably 2 bedroom accommodation i.e. flats, maisonettes, houses and bungalows. Completions between 2009 and 2016 show that 45% of new property was in the 1 and 2 bedroom category. The type and mix policy cannot therefore require a preponderance of smaller open market properties on this site.
- 8.4 **LOW 9** also comments that the Highway Authority has confirmed that there are no highway safety issues in relation to the junction with Normanston Drive for the amount of housing proposed, although some realignment of the access road to the site may be

necessary. Given the nature and scale of development proposed on this site, the developer will be required to undertake a Transport Assessment, this has been carried out during the application process with a conclusion that no junction improvements are required. At the time of writing formal response and review of the report by County Highways is yet to be received.

- 8.5 **LOW 9** cited the eastern part of the allocation as an opportunity to provide an area of allotments as part of the development of the whole site. This proposal does not cover that area identified. Nor does it cover the open space area to the south of Nursery Cottages or the area of open space and its wildlife value, cited as a potential bat roost, so these aspects of the site specific policy are not considered to apply. This approach also chimes with the sequential approach in policy CS11 for housing allocations where there is a preference for development of previously used land, and an appreciation that some parts of previously developed land have had a more open character that requires an approach that accepts that character.
- 8.6 The Highway Authority requires that the existing footpaths around the boundary of the site are retained at least at their present width. It would also be desirable to provide cycle access along these routes. A new pedestrian and cycle access from the north of the site to Kesgrave Drive should be provided as part of any development to maximise opportunities for walking and cycling.
- 8.7 As the site exceeds one hectare, notwithstanding its location in flood zone 1, a Flood Risk Assessment has been submitted in accordance with **LOW 9** and shows the soil types to be generally capable of supporting infiltration drainage. A design for infiltration and discharge to existing surface water drainage with attenuation as required has been provided.
- 8.8 **LOW 9** requested a Transport Assessment, the applicant has recently provided one, but so recently that County Highways have not commented at the time of writing. This is only significant if the local road network is at capacity whereby remedial measures might either need funding or mitigation put in place by a travel plan.
- 8.9 **Urban design:** The proposal features affordable housing in the northeast quadrant closest to the open space and the pond with a block of 6 flats with three entrance points closest and two groups of four units of one, two and three bedroom types flanking this. These originally turned their backs on the public open space contrasting with other property on Kesgrave Drive. In revised (part plan) drawing SK04B there is an attempt to create a vista from the site to the open space but this is constrained by the narrowing effect of the alley behind the housing needing to provide a 6m wide drainage wayleave, in order to provide a drainage system that requires no pumping and serves the whole site including the lowest parts. In the revised drawing SK04 B the applicant has relocated the cycle storage for the flats, so that this does not act to narrow the vista to the open space.
- 8.10 Plots 11 to 19 are all shown as Bungalows to the north and east side of the site and a mix of detached and semidetached types. What was not immediately clear in the initial plan layout submission is that the bungalows on plots 17 to 19 are around one metre higher ground floor finished level, than the chalet bungalows to the north on Kesgrave Drive as a result of the need to raise the floor level of these plots to enable the circuitous connection

to the existing off site foul drainage system. It is suggested that permitted development rights should be removed from these plots.

- 8.11 In the revised drawing SK04 B and the accompanying section SK07 B, (received 27th April) these issues of the relationship between the two sites have been addressed to an extent considered acceptable, by moving the footprint of the buildings forward into the site (south) and retaining the existing substantial boundary hedge. It is considered that while in principle acceptable a condition requiring the further agreement of the boundary treatment including garden land levels, fencing and planting reinforcement to the rear of plots 17 to 19 is necessary, before occupation.
- 8.12 Plots 20 to 22 are smaller houses again all detached but where terracing could release space for a greater sense of open-ness and for better planting within the scheme. Change here has not been offered.
- 8.13 Plots 1 to 11 are larger detached houses on the south boundary of the site. They back on to Monckton Avenue where relatively large semidetached property back onto them. The inefficiency of this detachment is well illustrated in that there are 22 properties backing onto the 11.
- 8.14 This space inefficiency leads to a bland street-scene with properties positioned in line and more significantly no room for strategic landscaping to relieve the street-scene in contrast to the planting along Monckton Avenue. Revised proposals include some trees. This design deficiency is not considered sufficient grounds to refuse the proposal, the applicant has not offered change and given the observations made on type and mix, there is no underlying policy reason against supply of larger housing to the market.
- 8.15 **Flooding:** The applicant has prepared a Suds strategy and combined soakaways, where geology allows, with retention tanks and limited run-off into existing surface water drains where necessary and where capacity allows. On that basis objections to the scheme cannot provide reason for refusal where the run –off rates create no additional impact. New development cannot be required to mitigate existing flooding off site and beyond the applicant’s control, but must not worsen flooding. There has been an exchange of emails between the County Floods Engineer and the consulting engineer, discussing the need for further information regarding soakage rates. A solution is available however the detailed form of this is yet to be confirmed and so conditions are required to cover.
- 8.16 **Traffic:** The County Highway response confirmed the need for a Traffic Assessment. The function of such a study is to establish road capacity and traffic levels so as to understand the extent of off site improvement required either by physical works or the application of Travel Planning methods to reducing demand. Discussions before the sale of the land have established that the necessary space for the access was sold to the applicant so these matters are addressable, just not currently complete or likely to be complete by the Committee date. On that basis delegated powers to apply further conditions in regard to highway matters are requested, so that the principle of development in the form described can be established and detailed matters of access further agreed under powers transferred back to officers.

8.17 Other matters arising:

8.18 Property value change is not readily quantifiable and not therefore a material planning consideration.

8.19 Shift work cannot readily be considered as any conditions restricting work hours on site, while appropriate to a larger site will still only be able to accommodate the needs of most. Shift workers would still suffer disturbance, even with restricted working hours for construction.

8.20 This site is of sufficient size to justify a wheel wash provision, and some limitations on hours of operation. Restrictions on delivery hours for materials are also considered appropriate.

8.21 A question has been asked as to how receipts from development will be spent by the Council. This question is not material to the consideration of the planning application, except where they deliver a public "good" directly related to the locality.

8.22 The Accounts team have confirmed that within the monies raised there is an amount £94,700 included within this which has been earmarked for future allotment provision.

8.23 Other benefits of development:

8.24 Part of the funds raised will be spent on the provision of allotments on the land to the east of Monckton Avenue (former Slaters Pit site).

8.25 Community Infrastructure Levy payments amount to £125,000

8.26 The proposal will assist in meeting housing and affordable housing need and will realise funds under the new homes bonus

CONCLUSION

9.1 While this proposal features a less than optimal layout in terms of place-making, being dictated by drainage geometry, the benefits of affordable housing delivery are considered to outweigh these minor concerns and where impacts on neighbours are considered properly mitigated.

RECOMMENDATION

Approve subject to the following conditions and conclusion of a section 106 agreement for affordable housing and subject to further conditions being agreed with officers under a return of delegated powers with regard to County Highway and surface water flood mitigation conditions following review of the late submitted "transport assessment" and ongoing discussions regarding ground 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 constructed in all respects strictly in accordance with drawings:

6576 SL01 J Site layout, received 15th February 2017 as revised by later drawings listed and house layouts: 105A, 106A, 107A, 108A, 109A, 110A, 112A, 113A, 114A, 115A, 116A, 117A, 118A, 125A, 126A, 128A, 129A, 130A, and 131A, all received 15th February 2017; and:

6576 SS01 Site Sections 24th April 2017

SK04B part revised site layout 27th April 2017

SK07 A Site Section 27th April 2017

; for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected within plots 17, 18 or 19 as shown on drawing 6576 SL01 J or subsequent revisions as approved, without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development and where the position of these plots are more restricted giving rise to possible amenity harms off site.

4. Condition 1 - Site Investigation

Unless otherwise agreed in writing by the Local Planning Authority (LPA) no development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

- * a detailed appraisal of the history of the site;
- * an inspection and assessment of current site conditions;
- * an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- * a conceptual site model indicating sources, pathways and receptors; and
- * a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

2) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- * the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- * explanation and justification for the analytical strategy;
- * a revised conceptual site model; and
- * a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS10175:2011+A1:2013 and CLR11.

Reason: To ensure that 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.

5. Condition 2 - Remediation

Unless otherwise agreed in writing by the Local Planning Authority (LPA) no development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- * details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- * an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- * proposed remediation objectives and remediation criteria; and
- * proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

Reason: To ensure that 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.

6. Condition 3 - Implementation of remediation

Unless otherwise agreed in writing by the Local Planning Authority (LPA) prior to any occupation or use of the approved development the RMS approved under condition 2 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that 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.

7. Condition 4 - Validation

Unless otherwise agreed in writing by the Local Planning Authority (LPA) a validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- * results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- * evidence that the RMS approved under condition 2 has been carried out competently, effectively and in its entirety; and
- * evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that 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.

8. Condition 5 - Unexpected contamination

In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that 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.

9. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To prevent environmental and amenity problems arising from flood and to protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, Source Protection Zone 3, nearby drains and EU Water Framework Directive Drinking Water Protected Area) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection position statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.

For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

11. Before development progresses beyond floor slab level on plots 17, 18 or 19 there shall be submitted to and approved in writing, by the Local Planning Authority, a plan and sections indicating the positions, design, materials and type of boundary treatment to be erected to the north side of these plots. The boundary treatment shall be completed before first occupation. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and the appearance of the locality and specifically neighbours on Kesgrave Drive.

12. No development shall commence until a foul water strategy has been submitted to and approved by application in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

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

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

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

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected along the southern boundary with the public footpath. The boundary treatment shall be completed before occupation or within the first planting season available either before construction is complete, but where this work can reasonably be undertaken within the construction programme or after occupation in the first planting season. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and the appearance of the locality.

15. Prior to the commencement of development hereby approved, details of the design and location of wheel washing facilities shall be submitted to and approved by the Local Planning Authority. The approved facilities shall be retained in the agreed location prior to commencement of development until the development is completed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent mud and debris from being deposited on the existing road network.

16. No deliveries shall be taken at the site outside the hours of 07.30 to 18.30 or at any time on Sundays, Bank Holidays or Public Holidays.

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance by noise.

17. No piling operations (if found required) shall occur on site outside the hours of 08.00 to 18.00 nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance by noise.

Informatives:

1. Please note that the granting of planning permission is separate to any consents that may be required in relation to Public Rights of Way, including the installation of gates.

Nothing should be done to stop up or divert the Public Right of Way without following the due legal process including confirmation of any orders and the provision of any new path. In order to avoid delays with the application this should be considered at an early opportunity.

The alignment, width, and condition of Public Rights of Way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Rights of Way & Access Team.

Nothing in this decision notice shall be taken as granting consent for alterations to Public Rights of Way without the due legal process being followed. Details of the process can be obtained from the Rights of Way & Access Team.

"Public Rights of Way Planning Application Response - Applicant Responsibility" and a digital plot showing the definitive alignment of the route as near as can be ascertained; which is for information only and is not to be scaled from, is attached for the applicant.

2. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

BACKGROUND INFORMATION:

See application ref: DC/17/0633/FUL at www.eastsuffolk.gov.uk/public-access

CONTACT

Chris Green, Area planning and Enforcement Officer, 01502 523022. chris.green@eastsuffolk.gov.uk