

**PLANNING COMMITTEE – 18 SEPTEMBER 2018**

**APPLICATION NO DC/15/3288/OUT**

**8**

**LOCATION**

Saint Felix School  
Halesworth Road  
Reydon  
Suffolk

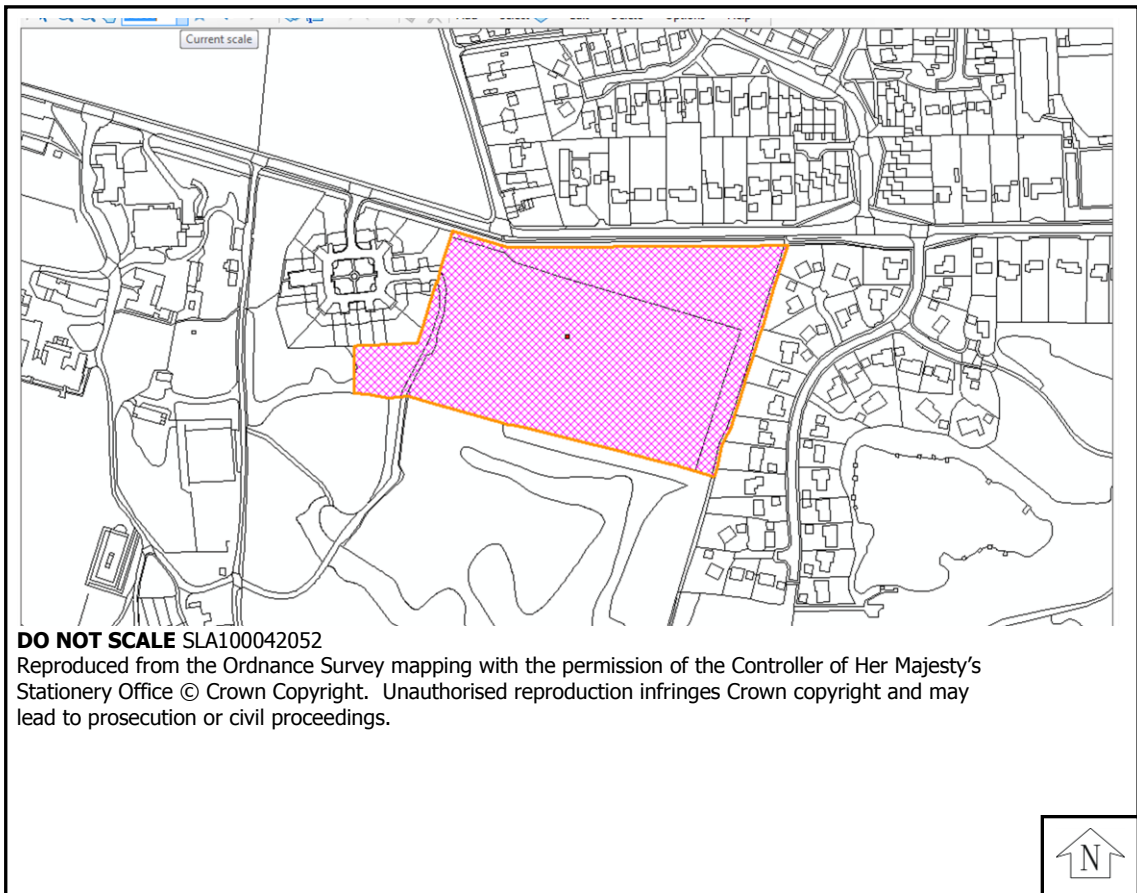
**EXPIRY DATE** 31 August 2018 (agreed extension of time)

**APPLICATION TYPE** Outline Application

**APPLICANT** Saint Felix School

**PARISH** Reydon

**PROPOSAL** Outline Application to enable improvements to Saint Felix School to include residential development, public open space and associated infrastructure on the former playing field at Saint Felix School



## 1. SUMMARY

1.1 This application was initially reported to the planning committee held on 11<sup>th</sup> July 2017; at that time Members of the Planning Committee were minded to approve the application subject to further consideration of the S106 legal agreement. At that time the following heads of terms were considered by the Planning Committee:

- I. *35% of the housing units to be affordable. A scheme showing the tenure split to be submitted to and agreed in writing with the LPA on submission of the first reserved matters.*
- II. *Provision of a landscaping plan and management strategy for the provision of new areas of onsite open space to be provided on land adjacent to St Georges Square. The plan and strategy are to be provided to and agreed in writing with the LPA prior to commencement of the residential development and the open space is to be delivered on occupation of the first residential dwelling.*
- III. *The developer to commit to provide two new Accessible Natural Green Spaces: one in the wooded area at the north end of the application site and the second on the School's Land to the south of the development site (the latter to be accessed on a permissive basis for residents of the proposed development). The areas will be provided prior to the occupation of the first residential unit and their delivery and maintenance is to be secured in perpetuity.*
- IV. *The developer to obtain planning permission for replacement playing pitches of at least equivalent quality and quantity to the existing in accordance with details set out in the Feasibility Study prepared by Total Turf Solutions Limited. The pitches to be provided and made operational prior to commencement of the residential development.*
- V. *The developer / School will be required, on making an application for the replacement playing pitches, to supply and obtain the LPAs approval of an implementation scheme to ensure that the playing pitches provided are of equivalent or better quality to the existing.*
- VI. *The School to provide and obtain the Council's agreement to a Community Use Agreement for the use of the new facilities and to implement the agreement on first use of the facilities.*
- VII. *Developer to provide and agree in writing a plan showing a network of new footpaths and entrance points into the residential development site prior to commencing work on the residential development.*
- VIII. *Developer to provide a scheme of signposting for the residential development site and an information pack for future residents showing options for walks around the site. The scheme shall be provided to and agreed with the LPA prior to commencement of development and the signposting and information to be provided prior to occupation of the first residential unit.*
- IX. *Developer or School to provide and agree in writing with the LPA a strategy for maintaining the path margins and gorse around the site prior to commencement of development. The Strategy is to be implemented on occupation of the first residential dwelling.*
- X. *School to pay capital receipts from the sale of the site into a ring fences bank account in the name of the School and the school to prepare and agree in writing with the LPA an Investment Schedule and Phasing Program showing how and when the funds will be invested within 3 month's of the site's sale. The monies to be spent in accordance with the agreed schedule.*

- XI. *Developer to make a financial contribution to the Suffolk Coastal District Council Natura 2000 Monitoring and Mitigation Strategy prior to occupation of first dwelling.*
- XII. *Developer to make a financial contribution towards delivering improvements to the existing bus stops on Halesworth Road to the front of the application site. The improvements would comprise of raised kerbs for easier boarding/alighting at the Westbound stop (£2,000) and real time screens to show live bus arrival times (£10,000 per stop) – a total of £22,000 contribution from the development. Contribution to be paid prior to occupation of first residential dwelling.*

1.2 Following debate the Member's decision was minuted as:

*“That permission be granted subject to the completion of a Section 106 Agreement dealing with the following matters and that it be reported back to the Planning Committee for agreement prior to it being signed and that, where required, the matter be referred to the Secretary of State in accordance with 02/09 Town & Country Planning (Consultation) Direction 2009. “*

1.3 The application is reported back to members as required by this resolution i.e. to facilitate member consideration of the detailed S106 document.

1.4 The application is recommended for approval as the detailed S106 agreement is considered by officers to meet all reasonable requirements of the heads of terms considered by Members at their meeting on 11th July 2017.

## **2. SITE DESCRIPTION**

2.1 St Felix School ('the School') is located to the west of Reydon on the A1095 Halesworth Road which connects the A12 to the Reydon and Southwold.

2.2 The School site comprises 28 hectares and is divided into two almost equally sized parts by Shepard's Lane. All of the School buildings and many of its playing fields are located to the west of Shepard's Lane. The land to the east comprises additional playing fields and an equestrian area.

2.3 The application site is located on the eastern side of Shepard's Lane and comprises 2.47 ha of grassland that is partially (1.6ha) used as rugby and hockey pitches. The site is rectangular shape and slopes in a south easterly direction.

2.4 Halesworth Road forms the northern boundary to the site, albeit it is visually and physically separated from the site by a well established tree belt that is protected by a series of Tree Preservation Order ('TPO') Groups. To the west of the site is a development of 20 residential properties known as St Georges Square. To the east is a late 20<sup>th</sup> Century housing development in an estate form and to the south is open greenspace, currently used by the School on an infrequent basis, for equestrian sports.

- 2.5 The site is located outside the defined physical development limits of the Main Town of Southwold and village of Reydon, it is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty ('the AONB') and within an area of Heritage Coast.
- 2.6 The St Felix School Grounds (Waveney 74) County Wildlife Site (CWS) lies to the immediate south of the application redline boundary albeit within the School's ownership and a number of European Designated Sites, including the Minsmere-Walberswick Special Protection Area (SPA) and Minsmere-Walberswick Heath and Marshes Site of Special Scientific Interest (SSSI) are located within 1 km of the Site.
- 2.7 The School, whilst not statutorily or locally listed, is of architectural and historic merit and may be considered as a non designated heritage asset.

### **3. PROPOSAL**

- 3.1 This application seeks outline planning permission for the construction of up to 69 residential dwellings together with areas of public open space and associated infrastructure within the grounds of St Felix School, Southwold.
- 3.2 The application was amended in August 2016 to introduce an additional area of open space on the part of the application site that backs onto St Georges Square. The amendment resulted in a reduction in the number of houses being proposed from 71 to 69.
- 3.3 The application is submitted in outline, with all matters other than for the point of access into the site from Halesworth Road, reserved for later approval.
- 3.4 St Felix School has developed a Business Plan which identifies a number of physical works to the school premises and its grounds that the School considered necessary to ensure its continued sustainable operation
- 3.5 The School argues on a viability basis that alternative sources of income are required to fund the physical improvements that are set out within the Business Plan.
- 3.6 The School is seeking planning permission for residential development on land within its ownership in order to ring fence the receipts of the land sale and use the monies to deliver the required physical improvements.
- 3.7 The proposed residential scheme is to be considered against enabling development tests.
- 3.8 The application is accompanied by an indicative masterplan, showing one way in which the proposed 69 residential dwellings may be accommodated on the site. This plan does not form part of the application documentation to be considered for approval. The plan simply demonstrates that the site is capable of accommodating 69 dwellings.
- 3.9 This application seeks permission for the "enabling" residential development. The application does not propose any of the "enabling development" to be approved under these proposals. Funds made available from the sale of the land will be ring-fenced and invested in line with the "Investment Schedule" as set out within the Section 106 Agreement. Much of the improvement works are internal and external works do not

constitute development for which planning permission is required. Where planning permission is required for the works, those planning applications will be made to and considered by the Local Planning Authority at the relevant time in accord with relevant planning policy and case law. The funds to be generated by the sale of the site for the proposed residential development will only be able to be spent on those items set out within the agreed Investment Schedule.

- 3.11 A series of works that are considered necessary to mitigate the impacts of the proposed development, including the provision of playing pitches (to replace those lost through the residential development) and the provision of new changing facilities as well as two areas of accessible natural green space are shown in the Section 106 agreement. The school also details a “Community Use Agreement” setting out arrangements for the use of the proposed sports facility by local community groups prior to the first use of the new facilities.
- 3.12 The applicant provides an indicative plan within the S106 showing the location and details of new areas of open space within the development and measures for its future management. These details be submitted and a schedule for their delivery agreed prior to first occupation of the residential development.
- 3.12 The details of the proposed mitigation measures to be secured through the Section 106 Agreement are provided under subsequent sections of this report.
- 3.15 The market housing element will be CiL liable with a CiL charge of £150 per sq m. CiL provides for financial contributions towards Highway and Public Transport Improvements, Education and Library provision and encompasses those bus stop improvements that are considered necessary to support this development by Suffolk County Council Highway Department.

#### Environmental Impact Assessment

The Council screened the proposals against EIA regulations as at 5 February 2015, at that time the Council’s view was that proposals were not EIA development. Officers have reviewed that screening opinion against current regulations and consider that the proposals do not require submission of EIA supporting information under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

#### **4. CONSULTATIONS/COMMENTS**

- 4.1 All consultation responses received are included in the report which was presented to the Planning Committee on the 11 July 2017 and are available in full on the Public Access system on the Council’s website using the unique reference number of the application. A summary of those responses can be viewed within the officer’s report to members for the 11 July 2017 meeting.

Additional consultations have been undertaken in respect of the matters arising from the final draft s106 agreement and are detailed below.

## **Neighbour consultation/representations**

- 4.2 11 letters of objection have, to date, been received indicating that the S106 does nothing to soften/justify new housing in this sensitive area. The S106 is considered to be an unacceptable way to gain planning permission for the proposed development.
- 4.3 Concerns previously raised have been reiterated, including:- adverse impact on the AONB and local community; road safety issues; lack of need for such housing; other more suitable locations for housing exist; inadequate infrastructure particularly sewerage disposal; loss of trees unacceptable; and that the school has been selling off its assets for some time.
- 4.4 **Reydon Parish Council and Southwold Town Council** Comments to be reported if received
- 4.5 **Suffolk Preservation Society** Comments to be reported if received
- 4.6 **Suffolk Coasts & Heaths Project** Comments to be reported if received
- 4.7 **Suffolk Wildlife Trust** Whilst SWT agree with the provisions of the HRA it does not Consider impacts on the CWS have been fully assessed. A long term habitat management plan should be secured that maximises the value of the CWS for biodiversity.
- 4.8 **Southwold & Reydon Society** Comments to be reported if received
- 4.9 **Natural England** agrees with the conclusion of the HRA report that there is not likely to be an adverse effect on any Natura 2000 site, provided adequate mitigation is secured through the developing Recreational Disturbance Avoidance and mitigation scheme.
- 4.10 **Sport England** Confirm they are supportive of the clauses in the S106 which requires the replacement playing pitches and changing facilities to be provided prior to the commencement of development and requires the Community Use Agreement to be agreed with WDC prior to development commencing. It notes there are some gaps in the information contained the Community Use Agreement that need adding.
- 4.11 **SCC Flooding Authority** have no further comments to make and maintain their recommendation for approval subject to the previous conditions
- 4.12 **Suffolk Fire & Rescue Service** Comments to be reported if received
- 4.13 **Anglian Water** Comments to be reported if received
- 4.14 **WDC Environmental Health - Contaminated Land** Comments to be reported if received
- 4.15 **Suffolk County - Highways Department** Comments to be reported if received
- 4.16 **Suffolk County Archaeological Unit** Comments to be reported if received
- 4.17 **Suffolk County - Rights of Way** – No objections raised

## SITE NOTICES

The following site notices have been displayed:

Site Notice	Comments are being invited on a Draft S106 Agreement relating to application DC/15/3288/OUT. Date posted 08.08.2018 Expiry date 30.08.2018
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## 5 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that an application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan is the Waveney Core Strategy and Development Management Policies Development Plan Documents.
- 5.2 The Waveney Core Strategy was adopted in 2009. Policy CS01 sets the spatial strategy for the District, Policy CS02 seeks high quality and sustainable design, Policy CS11 sets out the Council's approach to the location of new housing and Policy CS16 deals with proposals affecting the 'natural environment'.
- 5.3 The Development Management policies were adopted in 2011. Policy DM01 sets physical limits for settlements, Policy DM02 sets design principles, Policy DM16 deals with housing density, Policy DM17 deals with housing mix, Policy DM18 sets out the Council's affordable housing policy, Policy DM22 deals with housing development in the Open Countryside, Policy DM25 deals with Existing and Proposed Open Space, Policy DM27 seeks to protect Landscape Character, Policy DM29 deals with the protection of biodiversity and geodiversity and Policy DM32 deals with Archaeological Sites.
- 5.4 The National Planning Policy Framework (2018) and associated Guidance are also of relevance where the Development Plan is considered, absent or out of date.

## 6 PLANNING CONSIDERATIONS

- 6.1 The main issues to consider in the determination of this application are:
  - (i) the committee minute from 11/7/17, requiring reporting of s106 details to the planning committee.
  - (ii) consideration of revised case law and guidance on matters of Habitat Regulations Assessment.
  - (iii) consideration of the committee minute from 11/7/17 against revisions to planning legislation since that time, principally NPPF (2018).

The previous decision by members considered the following key matters, which are detailed in officers planning committee report from 11.7.18 appended to this current report:

- (i) principle of residential development in this location outside of the physical development limits and within the AONB;

- (ii) the impact of the proposed development on local sports pitch / playing field provision;
- (iii) the suitability of the proposed access arrangements and the transport impacts of the proposed development;
- (iv) the ecological and biodiversity impacts of the proposal including any direct and indirect impacts on designated or protected areas and local landscape character; and
- (v) ground conditions, flood risk and drainage.

6.2 Those matters previously considered by members of the planning committee are not repeated in this report, as members have passed a resolution as at 11/7/17 stating that the development proposals were acceptable, other than for consideration of the details matters of the s106 agreement. The officer's recommendation to members on 11/7/17 directed members to those matters detailed "heads of terms" under points as points I – XII, those details are repeated in para 1.1 of this report.

In addition, members also required that where applicable that the Secretary of State be notified of the Council's intended decision in accordance with 02/09 Town & Country Planning (Consultation) Direction 2009.

### **S106 provisions**

#### 6.3 Affordable Housing

The heads of terms provided for 35% of the housing units to be affordable. A scheme showing the tenure split was to be submitted to and agreed in writing with the LPA on submission of the first reserved matters. The section 106 in final draft form shows the owners covenants with the Council in Schedule 3, at Section 1 details provision of affordable housing provision on site and at 35% of the total housing units (page 21, 1.1). The tenure split is to be detailed at the reserved matters application stage. The clauses contained in the final draft s106 have been considered by the Council's housing team and are considered to be model clauses which are fit for purpose.

#### 6.4 Landscaping and Management Strategy

A landscaping plan and management strategy are required for the new areas of onsite open space. Schedule 3, section 2 (page 22) details provision and management of the new areas of public open space. The detailed landscaping of these areas will be agreed at the reserved matters submission. Officers are content that the clauses in section 2 are suitable and binding.

#### 6.5 Highways and Public Transport Contribution

A sum of £22,000 is to be paid to Suffolk County Council, prior to the occupation of the first dwelling, to be used to improve existing bus stops on Halesworth Road by raising kerbs for easier boarding/alighting and the provision of real time screens to show live bus arrival times. These measures would seek to encourage utilisation of existing bus routes with the aim of lessening reliance on car journey's.

#### 6.6 Sports and Recreation Facilities

Section 4 of Schedule 3, requires the provision and implementation of replacement playing pitches of at least equivalent quality and quantity to the existing, the provision of new sports changing facilities and requires a Community Use Agreement be entered into to



ensure community access to the new facilities. The legal agreement ensures the new facilities will be made available and ready for use prior to the commencement of the residential development on the existing playing field and requires the owner to get full approval for the implementation scheme to ensure the replacement playing pitches are of an equivalent or better standard than the existing. This meets the requirements of Sport England in terms of quantity and quality of replacement facilities, and with the new changing facilities delivers additional benefits.

6.6 The Community Use Agreement states the facilities would be available for the public to use between 6pm and 9pm weekdays during term times; 9am and 9pm in the school holidays, and between 8am and 9pm Saturdays and 8am to 4pm on Sundays. The legal agreement prevents the commencement of development until the Community Use Agreement has been entered into with the Council. Officers are content that this agreement would deliver a fair and reasonable public access to the facilities. It also meets the accessibility requirements of Sport England.

6.7 Access to Green Spaces

Section 5 of Schedule 3 to the S106 Agreement proposes a series of measures to provide appropriate mitigation for the in-combination effects of the development on European wildlife sites (listed in paragraph 6.88 of the previous committee report) as informed by a Habitats Regulations Assessment (HRA). The improvement to the network of paths and greenspaces close to the site to reduce the demand for visits to European Sites. Two new Accessible Natural Green Spaces are to be provided prior to the occupation of the first dwelling. One is in the wooded area to the north of the development site and the second on the schools land to the south of the development site. Their delivery and maintenance is to be secured in perpetuity.

6.8 A network of new footpaths and entrance points linking the development site to existing footpaths in the area creating the potential for circular walks for the residents of the new development has to be agreed with the Council. Section 5.2 of the third schedule to the legal agreement requires these to be laid out and made available for use by the general public on a permissive basis, prior to the occupation of the first dwelling.

6.9 Prior to development commencing details of a scheme of signposting for the Development Land and an information pack for future residents showing options for walks around the Retained Land has to be approved by the Council. The approved scheme has to be implemented and completed before the occupation of the first dwelling.

6.10 A strategy for maintaining path margins and gorse areas in perpetuity has to be agreed prior to the submission of Reserved Matters and has to have commenced prior to the occupation of the first dwelling.

6.11 The final measure to address the in-combination effects of the development on European Sites is a financial contribution under the Suffolk Coast RAMS, referred in the S106 agreement as the Habitat Mitigation (Natura 2000) Contribution. The money received will go towards wardening/monitoring of the Minsmere-Walberswick SPA and the Benacre-Easton Bavents SPA. The HRA concludes that all the above measures should be implemented and that with full contribution to the RAMS secured by a S106 legal agreement, payable in full on commencement of development, adverse effects on European site integrity would be prevented.

- 6.12 School Refurbishment and Modernisation Investment Schedule and Phasing Programme  
Section 6 of Schedule 3 to the S106 seeks to ensure the capital receipts from the sale of the site are paid into a ring fenced bank account in the name of the school, and that a Financial Assessment is agreed which details the costs of the school works and sale proceeds to ensure that the sale proceeds have been spent exclusively on the school works and not used for other purposes. Officers are content that the clauses in section 6 are suitable and binding.
- 6.13 Officers consider the requirements of the Planning Committee at the meeting on 11 July 2017 have been met and no matters so far raised during the consultation change/amend that position. The Planning Committee will be updated on all consultation responses received subsequent to the completion of this report.

### **Other Matters**

- 6.13 Following revised case law and guidance on matters of Habitats Regulations Assessment Counsel opinion was sought on whether the section in the original committee report relating to HRA's constituted an appropriate assessment. The opinion was that it was not sufficiently detailed to constitute an appropriate assessment satisfying the requirements of the Habitats Directive. It was also unclear if Natural England had been consulted "for the purposes of the assessment" which the 2017 Habitat Regulations require the competent authority to do and to have regard to any representations made. A revised HRA has now been completed that addresses these deficiencies and Natural England has been consulted. They confirm they agree with the conclusions of the HRA..
- 6.14 It is important to note that Paragraph 177 of the NPPF (paragraph 119 of the previous NPPF) states "The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitat site is being planned or determined."
- 6.15 Given the S106 Agreement is the mechanism to secure the mitigation the HRA identifies is required to avoid adverse effects on European site integrity then granting outline planning consent subject to the completion of this agreement will satisfy the Habitat Regulations.
- 6.16 Since the application was by the Planning Committee there has been some changes to national policy as set out in the new NPPF. It is not considered there are any changes in this document or other legislation that would affect the reasons for granting planning permission for this development or affect the validity of the S106 provisions.

## **7 RECOMMENDATION**

- 7.1 Members confirm that the detailed contents of the S106 satisfy the requirements they sought and that subject to the signing of the Agreement planning permission on the terms set out in the previous resolution be approved subject to the conditions as set out below.

1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) (as approved under condition 2) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

4. The reserved matters to be submitted under Condition 1 shall be in accordance with the following approved plans:

Location Plan

Reason: To ensure a properly planned development

5. Concurrent with the submission of the first reserved matters application, a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground

flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

f. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

g. Details of who will maintain each element of the surface water system for the life.

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

6. Concurrent with the submission of the first reserved matters application, details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

7. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been 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

8. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

9. Prior to the commencement of the development (except for any ground investigation or survey works), details of the required highway improvement works, listed below, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- A new uncontrolled pedestrian crossing point located approximately 53m West of The Drive over Halesworth Road
- The improvement of the existing footpath which runs along the frontage of the development between the proposed access point and the proposed pedestrian crossing

The approved works shall be delivered prior to the proposed development being brought into use.

Reason - In the interest of highway safety

10. No part of the development shall commence until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the construction of the residential units. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

11. Prior to the commencement of the development hereby approved or any works of site clearance, a reptile survey (which shall be in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works of mitigation shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats.

12. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

13. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12; and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14; which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14;.

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.

16. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

17. Prior to the commencement of the development hereby approved or any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage.

18. The landscaping details to be agreed as part of subsequent reserved matters approvals shall identify the spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection and or lopping to prevent instances of overshadowing of the approved development which shall comply with the recommendations set out in the British Standards Institute recommendation "BS5837:2012 Trees in relation to design, demolition and construction - Recommendations"

Reason: In the interests of residential amenity and the character and appearance of the area

**BACKGROUND INFORMATION:**

See application ref: DC/15/3288/OUT at  
[www.waveney.gov.uk/publicaccess](http://www.waveney.gov.uk/publicaccess)

**CONTACT**

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