

PLANNING COMMITTEE – 11 JULY 2017

APPLICATION NO DC/15/3288/OUT

LOCATION

Saint Felix School
Halesworth Road
Reydon
Suffolk

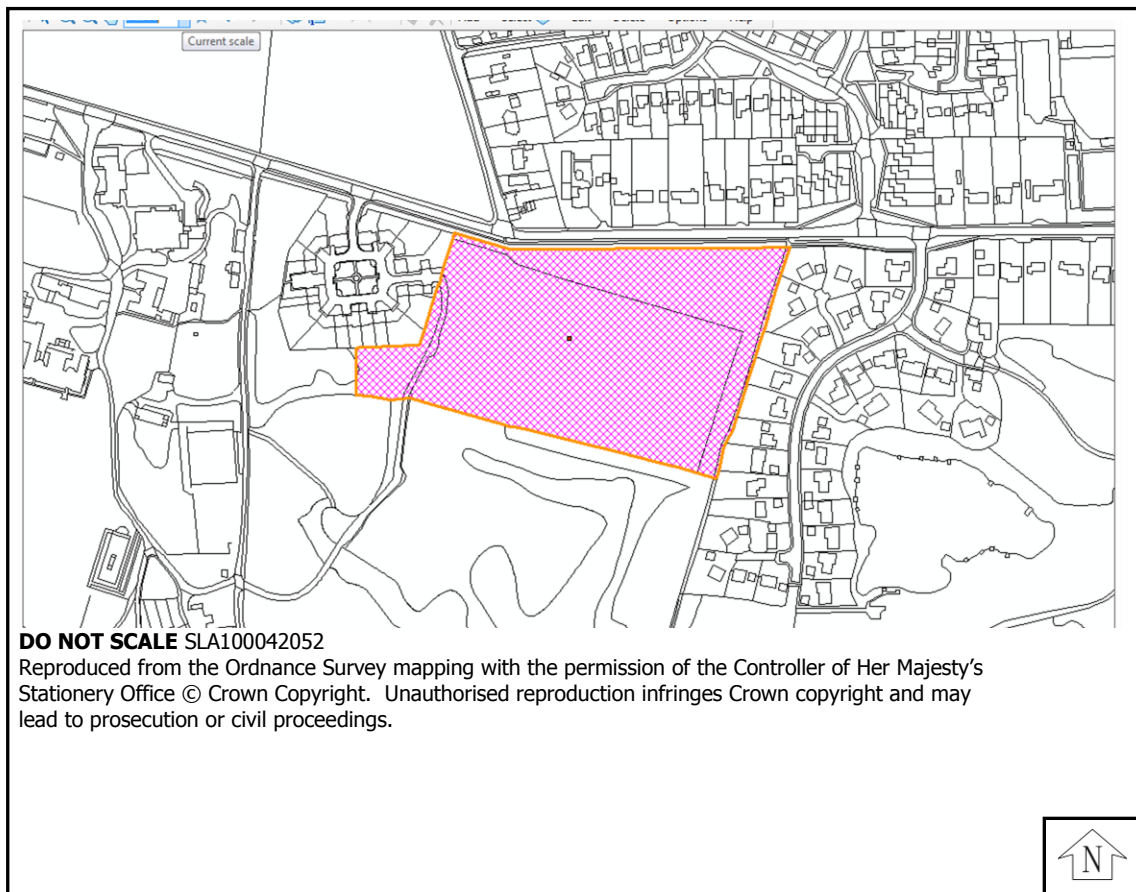
EXPIRY DATE 31 July 2017

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 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.
- 1.2 The application is a Major Development Proposals which has attracted a significant level of local interest and it is for these reasons that the application is presented to Planning Committee.

- 1.3 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.
- 1.4 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.
- 1.5 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 considers necessary to ensure its continued sustainable operation.
- 1.6 The School is without the necessary funds to deliver the physical improvements that are set out within the Business Plan.
- 1.7 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 essential physical improvements to the School's infrastructure.
- 1.8 The proposed residential scheme is considered as a form of "enabling" development.
- 1.9 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.
- 1.10 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.
- 1.11 Paragraph 14 of the National Planning Policy Framework requires Local Planning Authorities to approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 1.12 In this instance the development plan comprises the Waveney District Council Core Strategy and Development Management Policies.
- 1.13 With the Council capable of demonstrating a deliver 5 year supply of housing 'full weight' can be given to the policies of the Council's Development Plan as they relate to the scale and distribution of new housing.
- 1.14 The application site is located outside of the defined development limits as set by Policy DM01 and is to be regarded as being within the 'countryside'. The development does not satisfy any of the exceptions specified under Policy DM22 concerning development in the Open Countryside and is considered contrary to the Council's Development Plan Policies as they relate to the distribution of new housing development.
- 1.15 However, the application is for "enabling" development that has been demonstrated to the satisfaction of the Council's independent valuer, in that it is intrinsically linked and essentially necessary in the manner proposed, to secure the long term sustainable operation of the School.
- 1.16 National Policy is clear that, in the case of "enabling" development, local planning authorities should assess whether the benefits of a proposal for the enabling development,

which would otherwise conflict with planning policies, will outweigh the disbenefits of departing from those policies.

- 1.17 The appropriateness or otherwise of the proposed development in this instance comes down to one of 'planning balance'.
- 1.18 The provision of new residential accommodation for Southwold and Reydon is considered of some benefit in assisting the Council in maintaining a deliverable supply of market and affordable housing. However, given the Council's ability to demonstrate a deliverable 5 year supply, this benefit can be afforded only limited merit. The development should also be considered within the context of supplying investment in the local economy with jobs and capital spends in the local area during the development phase and supporting / enhancing employment directly and indirectly from the school.
- 1.19 The benefits of the proposed development are most evident in the physical improvements and additional facilities that will be delivered at the School which are listed in earlier sections of this report. These benefits are capable of being secured and delivered through the provision and agreement of an Investment Schedule and Phasing Programme to be secured through a Section 106 Agreement.
- 1.20 The applicant has demonstrated to the satisfaction of Sport England that the playing pitches to be lost through the proposed development may be re-provided within the School grounds to equal if not better quality. The School's commitment to enter into a community use agreement to allow the improved facilities to be used by local community groups is considered of some benefit.
- 1.21 The impacts of the proposed development have been documented within the planning appraisal section of this report and have been demonstrated through the technical reports accompanying the application, to be capable of being mitigated to an acceptable level through the proposed conditions and measures set out within the Section 106 Agreement. These include the provision of new Accessible Natural Green Spaces and other measures required to avoid recreational pressure on nearby designated sites.
- 1.22 Whilst the application involves development within the AONB there is an intrinsic requirement for the development to be located within the School Site and the impact of the development upon the site, given its low to moderate landscape sensitivity, can be effectively mitigated through appropriate landscape treatment in accordance with the intentions of Policy DM27 and National Policy relating to designated landscape areas.
- 1.23 The impact of the proposed development upon the local highway network, ground conditions, flood risk and drainage has been deemed acceptable by statutory consultees, subject to appropriate mitigation being secured through planning conditions or legal agreement.
- 1.24 In light of the above, the proposed development is deliverable, enabling development that delivers discernible benefits to the School and to the local community.
- 1.25 After the application of appropriate mitigation the detrimental impacts of the development are not considered of such significance so as to demonstrably outweigh these planning benefits.
- 1.26 The application is recommended for conditional approval.

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, built as enabling development in the early 2000s. To the east is a late 20th Century housing development 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 Reydon and 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 considers 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.

Section 106 Obligations and CiL

- 3.8 The applicant has submitted Heads of Terms for an Agreement to be made under Section 106 of the Town and Country Planning Act 1990 which contains the following draft provisions. All matters set out within the draft Heads of Terms are considered compliant with CiL regulation 122 in that they are:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 3.9 35% of the proposed residential units are allocated as being affordable. The Draft Heads of Terms require the applicant to submit and agree a scheme detailing the tenure and type mix at the detailed design stage.
- 3.10 This application seeks permission for the 'enabling' residential development only. Then application does not propose any of the enabling development to be approved under these proposals. The funds from the sale of the land will be ring-fenced and invested in line with an 'Investment Schedule' to be set out within the Section 106 Agreement. Much of the improvement works are internal and external works do not constitute development and some are considered permitted development. Where planning permission is required for the works, planning applications will be made to and considered by the Local Planning Authority at the relevant time. The funds to be generated by the sale of the site for residential development (if permitted) 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 will be agreed through a Section 106 agreement. The school also proposes to enter into 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 proposes to provide a landscaping plan showing the location, 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 Full 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 replaces the requirement 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

Pre-application Engagement

- 4.1 The application proposals have been subject to discussions with statutory consultees and the Local Planning Authority the outcome of which influenced the scope and content of the planning proposals.
- 4.2 The applicant also undertook a pre-application consultation with the local community including a Public Exhibition for local residents and Councillors. Approximately 50 people attended the exhibition, providing feedback on the proposed development.
- 4.3 The application has been screened under Regulation 5 of the Town and Country Planning Environmental Impact Assessment Regulations 2011 (as amended) and was considered by the Local Planning Authority in their Screening Opinion of 5 February 2015 not to result in significant environmental effects and was not deemed to be Environmental Impact Assessment Development as defined by the Regulations. As above this has been revisited under post May 2017 guidance and as such the proposal is not considered to be EIA development.

Neighbour consultation/representations

- 4.4 145 objections have been received to the application over the course of its determination period. The objections relate to the following issues:
- Outside of development limits
 - Residential development is contrary to the Council's Housing Strategy
 - Detrimental impact on AONB
 - Greenfield site – Loss of important green wedge between development
 - Loss of playing fields and equestrian facilities has not been adequately addressed
 - Inability to secure community benefits
 - Long term financial viability of St. Felix – Previous land has been sold off to finance the school
 - High density – Over development of site
 - Access & highway safety issues
 - Loss of protected trees
 - Inadequate access roads within the site.
 - Ecological considerations – loss of habitat – Mitigation measures not acceptable
 - Inadequate sewerage capacity
 - Lack of local infrastructure to support additional housing development
 - Flood Risk and Drainage Issues
 - Landscape impact
 - Light Pollution
 - Loss of open space
 - Loss of outlook
 - Loss of Privacy
 - Impact upon County Wildlife Site

Following consultation on further details received from the applicant on 24 May 2017 and 24 April 2017 in relation to “facilities & future us” / Pitch relocation, the following comments have been received in three letters from local residents.

Those letters repeating concerns that the loss of playing fields and equestrian facilities has not been adequately addressed, flood risk and drainage Issues, access & highway safety issues, ecological considerations – loss of habitat – mitigation measures not acceptable. In addition the letters raised increased recreational pressure on ecologically sensitive sites, conflicts with

vehicular and other users on private right of way, inappropriate use of enabling development to support the school's inability to market its services effectively.

Parish/Town Council Comments

4.5 **Reydon Parish Council** commented on the application on 1 April 2017 as follows:

1. Reydon Parish Council recommend refusal to the above application for the following reasons:

1. The site for this housing development is outside the boundary of the settlement of Reydon, in the ANOB and not identified for development in the Waveney Local Plan. There is no local, regional or national need for the housing proposed that can justify breaching the policies designed to protect the countryside and limit development to sites that conform to local and national planning policies. Much of market housing will probably be bought and quickly resold as holiday lets or second homes, which currently constitute approximately 40% of housing in Reydon and Southwold.

Whilst there is a demand and need for affordable housing for local people in Reydon and Southwold this is being addressed currently by 3 schemes - 20 affordable rented dwellings in Duncan's Yard, Southwold. 6 shared ownership bungalows for older people in Pitches View, Reydon. 23 affordable dwellings, 6 part ownership and 17 rented in Green Lane, Reydon. Thus even the affordable houses in this application may not be needed.

2. The record of community use of the school's facilities is a poor one and a source of real disappointment to the community and has not been resolved by discussions in 2015/16 with the Parish Council. The swimming pool, for example, is limited to early morning sessions for a limited number of people.

3. The proposed new pitch is, it seems, to be undrained and therefore suitable for only 2 hours use per week which will give very little or no time for community use.

4. The multi use games area is not indicated in these papers but unless its dimensions and quality, including drainage, are already in the application it is impossible to assess the degree of community use it could provide.

5. Whilst it is accepted that how and when replacement sports facilities are developed can be secured by S106 agreement and that this could have binding, but possibly time limited, requirements for community use, it continues to be the Council's view that all of these proposals should be within the planning application so that issues of the quality of and access to the replacement facilities, including changing provision, can be assessed in one clear process.

6. The proposed replacement field is only half the size of the present one, which is used for hockey and rounders on the half not used for rugby. The replacement pitch will, as is acknowledged, displace equestrian events and it is unclear where adequate space can be found to replace them.

7. Should the Planning Authority decide to grant this application against my Council's recommendation, Reydon Parish Council will expect the most detailed and binding conditions to be set regarding the nature of, and arrangements of community access to, the replacement sports facilities.

4.6 **Southwold Town Council** responded to the proposed development on 6 October 2016 commenting:

1. 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, Saint Felix School, Halesworth Road, Reydon, for Mr J Whyte. The Planning Committee confirmed that they had already responded with regards to infrastructure, as per their remarks to the last application which includes the issue of foul and surface water drainage, and the capacity of the pumping station. It was noted that the

development is within an AONB. It was noted that any extra traffic would have an impact on parking in Southwold and concern was expressed about the electricity capacity to both Southwold and Reydon. The cumulative effect of all new developments within Southwold and Reydon are causing major issues on all infrastructure related services

2. The Planning Committee confirmed that they had already responded with regards to infrastructure, as per their remarks to the last application which includes the issue of foul and surface water drainage, and the capacity of the pumping station. It was noted that the development is within an AONB. It was noted that any extra traffic would have an impact on parking in Southwold and concern was expressed about the electricity capacity to both Southwold and Reydon. The cumulative effect of all new developments within Southwold and Reydon are causing major issues on all infrastructure related services.

4.7 **Suffolk Preservation Society** provided their latest comments on 3 May 2017 indicating that:

1. The Society's objection set out in their letter dated 28 September 2015, remains.
2. Additional objection is provided to the proposal to relocated the existing playing fields and equestrian facilities which represents further encroachment into the AONB and CWS.
3. The development represents a major incursion into the AONB and exceptional circumstances are required to justify such development.
4. The redevelopment is contrary to Policies DM01, Sm22 and DM27 of the Waveney Local Plan.

4.8 **Suffolk Coasts And Heaths Project** was consulted on the revised proposals on 2 September 2016. Their latest response concludes:

1. We note that additional information has been submitted by the applicant since their original submission, to which we responded on 7th October 2015. I would request that this response is read in conjunction with our previous response and that both are given consideration in the determination of this application.
2. Notwithstanding our recommendation to refuse this application on the basis that it is contrary to policy, if the Local Planning Authority are minded to grant permission, I offer the following comments on the additional information submitted by the applicant.
3. Draft Heads of Terms
 - On site (residential site) open space provision and maintenance, item 2, Landscaping Plan should be submitted and agreed by the LPA prior to commencement
 - Provision of new accessible natural green spaces (ANGS) and other measures to avoid increased recreational pressure on nearby Special Protection Area.
 - The use of the school site on a permissive basis, does not appear to be a lasting commitment for the purposes of providing ANGS. This needs to be clarified to ensure that the ANGS is available in perpetuity.
 - The Landscape plan should be submitted and agreed prior to commencement, ideally at full planning application stage and not prior to first residential occupation.
 - Despite the suggestions of ANGS, it is felt that the appeal of walking to the estuary will remain as such that there will be an increase in recreational use of footpaths in the vicinity.
 - Ref. Signposting and improvements – the applicant, rather than noting any difficulties on interpretation signs to encourage use of paths away from the SPA, could contribute towards local access improvements to ensure local footpaths are of good standard. Further advice on this should be sought from SCC Public Rights of Way. If required, we would be happy to offer advice on content of information packs etc. to ensure that the special qualities of the SPA and why disturbance can have a negative impact.

- Ref. Management of the path margins and gorse. The management programme should be agreed prior to commencement, not prior to first residential occupation.
 - School refurbishment and modernisation investment schedule and phasing programme. With ref. to point 3. If the basis of this application is as enabling development, it would seem appropriate for the details to be made available prior to determination of this outline application.
4. Given the uncertainty around much of the detail within the draft Head of Terms, we remain concerned that there is insufficient scope for the scheme to secure the environmental and public benefit that would be expected of such a development within the AONB.
 5. Strategy for avoidance of increased recreational pressure Accessible Natural Green Spaces (ANGS). This being on a permissive basis is of concern – as detailed above. This cannot be considered as secure, long-term mitigation. Ref. point 16 & 17. Signposting and interpretation. This identifies that there may be potential for routes requiring improvement. We would strongly recommend that a contribution is made to improving public rights of way in the vicinity of the site. In addition, it is important that the special qualities of the SPA and AONB are explained in the new home owners pack. Ref. point 21. More information is needed to clarify exactly how the mitigation plan will be funded and delivered.
 6. For detailed advice relating to the potential effectiveness of the mitigation strategy should be referred to the County Ecologist and Natural England.
- 4.9 **Suffolk Wildlife Trust** was consulted on the revised proposals on 2 September 2016. Their latest response concludes:
1. The Strategy for Avoidance of Recreational Pressure appears to utilise the County Wildlife Site (CWS) adjacent to the proposed development site as part of diverting new recreational use away from nearby European designated sites. However, the strategy does not appear to take in to account the potential for adverse impacts on the CWS as a result of increased recreational pressure. Whilst the habitats and species within the CWS are likely to be less vulnerable to recreational disturbance than habitats and species within the European designated sites, nevertheless the degree of likely impact and its significance should be assessed prior to the determination of this application. Consent should not be granted for any development which is likely to result in a significant adverse impact on the CWS. We also consider that any development on the proposed site should secure a long term habitat management plan which maximises the value of the CWS for biodiversity.
 2. With regard to the Shadow Habitats Regulations Assessment report, we recommend that further advice on this matter is obtained from Natural England.
- 4.10 **Southwold And Reydon Society** responded to the application on 10th May 2017 as follows:
1. Southwold and Reydon Society has commented on and set out our objections to this application in our letters of 8 October 2015 and 25 September 2016. All of our previous comments and objections still stand.
 2. As we understand it, the current proposal is that the School will provide a 'replacement' rugby pitch on part of the existing equestrian course to the south of the proposed development site. This provision is intended to be secured by way of a s106 agreement. The Society objects to this proposal for the following reasons:
 1. The proposed 'replacement' rugby pitch is substantially smaller than the pitches which will be lost if the development is consented. Birketts in their letter suggest the opposite but, with respect, they appear to be arithmetically challenged. The current usable area of playing field as measured by Sport England (see their email dated 6 September 2016) is approximately 1.98 hectares. The proposed 'replacement' rugby pitch is

7143m² (ie 0.71 hectares) per the Total Turf Solutions report. As there will be a large net loss of usable playing field area, it is abundantly clear that the development will still fall foul of paragraph 74 NPPF.

2. The proposed 'replacement' rugby pitch will result in the loss of the existing equestrian course. The development would thus result not only in a substantial reduction in playing field provision but also in the loss of other scarce sporting provision. The proposed improvements to sports facilities elsewhere on the School site in no way compensate for this double loss.
 3. Birketts, in one throwaway sentence, suggests that the School could make alternative provision for equestrian facilities at the southern end of the School ground (without the need for change of use/planning permission). Bidwells' revised layout drawing shows a proposed equestrian area of 0.2 hectares located on current woodland to the west of Shepherd's Lane and to the south of Heathlands. In the absence of a feasibility study, this suggestion cannot be taken seriously.
 4. The proposed 'replacement' rugby pitch will be undrained. According to Total Turf Solutions (report section 3.6), an undrained pitch can be used for less than 2 hours per week. On that basis, it is very difficult to see how the pitch could be made available for community use in addition to School use.
 5. Birketts completely ignore the fact the proposed 'replacement' rugby pitch will be located entirely within the St Felix School Grounds County Wildlife Site. In our letter of 25 September 2016 we drew attention to the damage that the School's proposed Strategy for Avoidance of Increased Recreation Pressure would cause to the CWS. The latest proposals will simply intensify that damage and appear to us to be contrary to WDC policy DM29 Protection of Biodiversity and Geodiversity.
3. It is also clear that the Ecological Survey report dated November 2014 prepared by Norfolk Wildlife Services and submitted by the School is no longer valid. If it is intended to be relied on, it should be updated to reflect the damage to be done to the CWS.
 4. The Society remains of the view that the application should be refused. In previous objections the Society has stated:
 1. We refer to our letter of 8 October 2015 setting out our objections to this application.
 2. Firstly, we wish to reiterate the comments made previously. All of our previous comments still stand. None of the issues that we raised have been addressed by the recent amendments and further supporting documents.
 3. In relation to the revisions to the scheme and the new material provided:

Reduction in Size of Scheme

4. The revised proposals show that the proposed scheme will have 69 rather than 71 units. A reduction of 2 units on a scheme of this size is insignificant.

Effect on Natural Habitats

5. The applicant has submitted a Shadow Habitats Regulations Assessment prepared by Norfolk Wildlife Services. The consultant concludes that the proposed development would impact the Minsmere – Walberswick Natura 2000 designated sites by causing disturbance to breeding and wintering birds and damage to shingle habitats as a result of additional recreational usage.

6. Surprisingly, no attempt has been made to assess the impact either quantitatively or qualitatively notwithstanding the advice given by Natural England in its letter of 8 October 2015 which is appended to the consultant's report. In the absence of any such assessment the proposals for avoidance and mitigation must be treated with some scepticism.
7. In order to reduce and/or mitigate the impact of the development on the Natura 2000 sites, the consultant has recommended:
 - a scheme designed to encourage residents of the development to restrict their walks to the circumference of the development and deter them from roaming further afield; and
 - that a financial contribution should be made by the applicant or the developer to the Suffolk Coastal District Council Natura 2000 Monitoring and Mitigation Strategy. The consultant suggests that such a contribution may be included within the Community Infrastructure Levy payable on the development though the consultant does not appear to have considered whether this is feasible, not least in light of the fact that the CIL will be payable not to SCDC but to WDC. It appears that this recommendation has not been adopted by the applicant as there is no mention of it in any of the other documents submitted.
8. As to the first recommendation which is fleshed out in the applicant's Strategy for Avoidance of Increased Recreation Pressure, we have two concerns:
 - We do not think that it would achieve its intended purpose. The suggestion that future residents of the development will not venture as far as the Walberswick Natura 2000 sites simply because a new signposted walk has been created around the development is frankly risible;
 - The proposal will damage the St Felix School Grounds County Wildlife Site which lies immediately to the south of the development site. The CWS is designated for its heathland mosaic habitat. In the original Ecological Survey report dated November 2014 and also prepared by Norfolk Wildlife Services, the consultant acknowledged that the development might have adverse impacts on the CWS but no consideration was given.
9. The applicant now proposes to create a new short circular walk around the development (which would be possible in any event using existing footpaths). The proposed works involve taming and prettifying the immediate surroundings of the site, inter alia by removing 10m widths of gorse and other existing vegetation on the CWS.
10. In addition, the proposed new Accessible Natural Green Space on the School's land to the south of the development site will involve clearance of a significant parcel of CWS land for no obvious benefit.
11. It is in our view both surprising and unacceptable that the consultant should propose a strategy which will cause significant harm to a County Wildlife Site. The consultant has made no attempt to assess the damage to the CWS and indeed makes no reference whatsoever to the CWS.
12. The strategy appears to us to be contrary to WDC policy DM29 Protection of Biodiversity and Geodiversity.
13. WDC is of course required to carry out its own Habitat Regulations Assessment and will presumably further consult Natural England.

14. In the Society's view, the development is likely to have an adverse impact on the protected habitat sites which will not be avoided or mitigated in any way by the measures proposed. On the contrary, the proposed measures will be harmful to the CWS.

School Sports Facilities

15. There is nothing in the documents recently proposed which causes us to alter our previously expressed views. The proposed development involves a substantial net loss of playing fields and any public benefit from community access to the proposed alternative provision will be incidental.

Access

16. We commented previously that traffic access proposals were unacceptable. Although this is an application for outline planning permission, access in the revised application (as in the original application) is not a reserved matter. It follows that full details of proposed access including adequate drawings should have been provided. They have not.

Recent Planning Inspectorate Appeal Decisions

17. We draw your attention to two recent appeal decisions made since the application was first lodged.
18. In the Global Chairs appeal (ref APP/T3535/W/15/3133802), the site was little more than a mile from the St Felix site. Like the St Felix application, it involved major development in the AONB on a site outside the physical limits of Reydon. In his decision dismissing the appeal, the Inspector gave great weight to the significant adverse impact on the character and appearance of the area that he found would occur.
19. In the Quay Lane Cottage appeal (ref APP/T3535/W/16/3145852), the site was immediately to the west of St Felix School grounds less than half a mile from the current site. Again, it was in the AONB and outside the physical limits of Reydon. The Inspector referred in his decision to the settlement hierarchy of WDC's Spatial Strategy as set out in CS01. The appeal site fell within the lowest tier of the hierarchy being defined as countryside. The Inspector concluded that, for that reason, the application would be contrary to CS01, CS11 (Housing) and DM22 (Housing Development in the Countryside).
20. In view of the close proximity of both of these sites to the St Felix site and the similarity of the issues involved, we suggest that they may be of assistance in considering the application.
21. We remain of the view that the application should be refused.

4.11 **Natural England** was consulted on the revised proposals on 2 September 2016. Their latest response concludes:

1. There is potential for housing developments to generate increased recreational activity, particularly dog walking, which can result in disturbance impacts to designated bird species on designated sites (for examples of recreational disturbance see Ravenscroft *et al.* (2007), Excell & O'Mahony, 2013).
2. This development site is just over 1km (map distance) from the Minsmere-Walberswick Special Protection Area, and within 8Km of the Minsmere Walberswick SPA and the Benacre-Easton Barents SPA. These are the distances at which people are predicted to regularly visit designated sites, by foot and by car respectively so there is therefore potential for this development to result in recreational disturbance impacts to birds on these designated sites.

3. There are a number of means by which recreational disturbance impacts can be reduced and mitigated, and Natural England has recently provided advice to Suffolk Coastal District Council on this issue (Letter dated 5 April 2016). Suffolk Coastal District Council is also working in partnership with Babergh District and Ipswich Borough Councils on a Recreational Avoidance and Mitigation Strategy, the purpose of which is to outline the strategic mitigation measures required to address recreational disturbance resulting from their local plans on European protected sites.
4. We recommend that this advice and the strategy are considered as part of the new Waveney Local Plan which is being prepared.

Habitat Regulations Assessment – further information required

5. Improvements to convenient local greenspace for routine use can reduce the demand for visits to European sites (See Natural England letter dated 5 April 2016), and Jenkinson (2013) sets out good practice for designing such facilities. A Habitat Regulations assessment addressing these issues is provided with the application, and this includes a strategy for the avoidance of recreational pressure.
6. The strategy outlines a framework for the provision of green infrastructure as part of the development, which appears to be of suitable design and of sufficient quantity to be attractive for regular dog walking. Two areas however require clarification; 1) What is the existing use of the areas designated for dog walking, and is there capacity for additional residents?, and 2) How will the green infrastructure be secured in perpetuity to support the development? Should the proposal be granted planning permission, we would recommend that the strategy forms the basis for a detailed site management plan to be overseen by relevant bodies including Waveney District, SCC Rights of Way, and Natural England.
7. Even with associated suitable green infrastructure, developments within 8km of designated sites are likely to result in additional recreational pressure to those sites, and in line with the developing Recreational Avoidance and Mitigation Strategy, we recommend that the developer should provide a proportionate contribution to mitigate potential recreational disturbance impacts on these site.
8. It is our advice that with the above points clarified, it would be possible to conclude that the development would not have a significant effect on any international designated site, in terms of the Conservation of Habitats & Species Regulations 2010 (as amended).

Suffolk Coast and Heaths Area of Outstanding Beauty

9. Having reviewed the application Natural England does not wish to comment on the landscape and visual impact of this development proposal. We therefore advise you to seek the advice of the Suffolk Coast and Heaths AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Local sites

10. The proposal is adjacent to a local Wildlife Site, and the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

11. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the

installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Protected Species

12. We have not assessed this application and associated documents for impacts on protected species.

Sport England were consulted on the revised proposals including the potential location for the replacement playing fields and equestrian facilities and provided their latest response on 21 May 2017 as follows:

1. Thank you for your email and enclosed documents dated 3 May 2017, in relation to the above planning application. The new or revised documents are as follows:
 - 1) Revised feasibility study into the proposal for new sports pitch construction, by Total Turf Solutions, dated 28 March 2017.
 - 2) Revised draft heads of terms for a s106 agreement, dated 4 April 2017
 - 3) Revised Site Plan (ref: A44/267e) showing new areas of replacement sports pitches and revised location for replacement equestrian facilities, dated 3 April 2017
 - 4) Covering letter from Bidwells (applicant's agents) dated 24 April 2017
2. Sport England would wish to make the following comments with regard to the further information and revised plans.
3. As stated previously, Sport England support for the project is subject to the proposals being considered to meet exception E4 of our playing fields policy, which states:
 - The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
4. With regard to the quality issue, the feasibility report has based on the costings on producing playing fields that meet Sport England's performance quality standard (PQS) for new sports pitch provision, whereas the existing playing fields fail to meet this standard, therefore the new playing fields will deliver playing fields of an enhanced quality compared to the existing provision. It is considered that if planning consent is granted, a more detailed construction and implementation plan for the new playing fields should be submitted and approved prior to the implementation of this consent
5. With regard to quantity, Sport England's original assessment of the application estimated an area of c.1.98 hectares was being lost to accommodate this housing proposal. This area covers both marked out pitches and run-off areas. The proposal seeks to construct 1.6 hectares of new pitches, with 0.4 hectares of run-off. This therefore equates to the creation of 2.0 hectares of new playing field provision, thus meeting the quantitative requirement.
6. From a locational point of view, there are no policy concerns as the new playing fields

will be directly adjacent to those being lost.

7. With regard to management arrangements, the main consideration was to ensure that existing users of the site had access to the new playing fields, primarily Southwold Rugby Club, who use the existing playing fields for midweek training. The requirement for a Community Use Agreement (CUA) can help to ensure that the club have access to the new playing fields. Along with any other community clubs or teams that require access to playing fields. As the school do not appear to have had any previous 'formal' access agreement, this would be a sporting benefit arising from this proposal. It is also noted that the school could mark out an additional pitch to the south of the school buildings if required, though this is not strictly required to meet the policy requirements for quantitative replacement provision.
8. With regard to the provision of the new playing fields, the Heads of Terms indicate that the existing playing fields will not be lost until the replacement playing fields have been provided and are ready for use. This would therefore meet the requirement for the new playing fields to be provided prior to the loss of the existing provision.
9. Sport England's opinion is that the revised proposals set out above now make replacement playing field provision that meets exception E4 of our playing fields policy, subject to the s106 agreement and planning conditions discussed above. Sport England therefore now supports the application with regard to meeting the statutory requirement to provide replacement playing fields that comply with exception E4 of our playing fields policy.
10. From a non-statutory perspective, the proposals result in the loss of an existing equestrian area (of approximately 1.6 hectares, and their replacement with a smaller area of 0.5 hectares. This issue is covered in more detail below.

Equestrian Facilities

11. The proposal seek to convert an area currently used for cross country equestrian activities into new playing fields to replace those that would be lost to accommodate the proposed residential development. This area equates to approximately 1.6 hectares, and to compensate for its loss the school proposes a new equestrian area to the south of the existing school buildings and external areas, and measuring approximately 0.5 hectares. The school have confirmed that the smaller area for equestrian uses does not impact on their proposed activities. The covering letter from Bidwells indicates that the current equestrian area is only used by a small number of pupils as an extra-curricular activity, and the letter states 'It is not a key part of the school's offer, and there is no benefit to the school for non-school use, as it is not cost effective or that popular'. It should be noted however that the school website states; "Saint Felix has enjoyed considerable equestrian success at regional and national level over a number of years. In recent years our mixed-age team has regularly achieved major honours in a variety of competitions across the region and claimed third place in the Royal Windsor Horse Show. This success has allowed us to make a major commitment to developing new equestrian facilities. We are one of the very few schools in the United Kingdom to have a full cross-country course. The Head of Equestrianism manages this facility and takes responsibility for the development of riding at all levels throughout the school. Pupils who board at Saint Felix School can make use of the excellent stabling facilities available if they wish to bring their horse with them". <http://www.stfelix.co.uk/equestrian> The above statement would therefore suggest that the equestrian offer to pupils is seen as an important asset for the school, and it should also be noted that the school offer scholarships for equestrian riders who compete for the school team.
12. As the above statement does not quantify the extent of the wider community use of the existing equestrian area, I consulted with the British Equestrian Federation (BEF) to try and understand more fully the wider use of this area. They have confirmed that the

Pony Club state that the facility is used approximately twice a year by Waveney Harriers Pony Club for rallies. The British Horse Society has confirmed that the site is also used by various riding clubs in the area, though the exact scale of the use is not known.

- 13 The BEF therefore indicate that the site is used both by the school and local riding clubs, and that any planning consent must make alternative facilities available. The BEF would like the school to share how it proposes to meet the needs of local riding and pony clubs with the new facilities, given the reduction in size from the existing facilities.
13. Sport England would support the above view from the BEF, and we would be concerned if the plans have been put forward without consulting with existing external users of the equestrian area, to gauge opinion on whether the proposed smaller area can still meet the needs of the clubs that use this site. We would therefore welcome the applicant's further views on this issue, as we would not wish to see a smaller equestrian area provided that could not meet the facility needs of existing users of the site, and this issue has not been addressed in the covering letter of 24 April 2017.

Recommendation

14. From a statutory perspective, Sport England is now satisfied that the proposals meet our playing fields policy (exception E4) in that replacement playing fields will be provided which meet all the criteria of the above policy. The proposal will also deliver additional benefit with regard to the proposed new changing facilities (subject to subsequent approval of the details of this scheme).
15. This support is subject to the following s106 agreement/planning conditions being imposed on any grant of planning permission:
 - S106 agreement to cover provision of replacement playing fields, community access to playing fields, phasing of new provision and provision of new changing facilities
 - Planning conditions as follows:
 1. No development shall commence [or other specified time period] until the following document has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:
 - (i) Based on the results of the playing field feasibility assessment carried out, a detailed implementation scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

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

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

2. Use of the new playing fields shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed replacement playing fields and new equestrian area and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review, and anything else which

the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy

16. From a non-statutory perspective, Sport England does have concerns regarding the reduction in area for equestrian activities on this site, given that these facilities appear to be used by both school and local clubs. It is not clear from the applicant's submission whether any consultation with local clubs who use this site has taken place, and whether the new facility will be able to meet their needs.
- 17 Sport England would therefore request that the applicant provide additional information to demonstrate that consultation on this aspect of the proposals has taken place with local clubs and organisations that use the existing equestrian area, and that this additional information is provided prior to a decision being made on the application.

SCC Flooding Authority was consulted on the revised proposals on 2 September 2016. Their latest response concludes:

1. Notice is hereby given that the County Council as Lead Local Flood Authority recommends that any permission which that Planning Authority may give should include recommended conditions (*response and conditions listed separately and in full on the Council's public access system*)

Suffolk Fire & Rescue Service were consulted on the revised proposals on 2 September 2016. Their latest response concludes:.

1. No additional water supply for fire fighting purposes is required as part of this development

Anglian Water was consulted on the revised proposals on 2 September 2016. Their latest response concludes:

1. Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
2. The foul drainage from this development is in the catchment of Southwold Common Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows.

WDC Environmental Health - Contaminated Land were consulted on the revised proposals on 2 September 2016. Their latest response concludes:

1. The Phase 1 report submitted with the application has identified several potential sources of contamination and has recommended that an intrusive investigation is carried out. I would concur with this conclusion and the site should not be developed until contamination (including ground gas) has been adequately investigated and characterised. This work, and any remediation and validation which may be required, could be secured using the model conditions.

Suffolk County - Highways Department were consulted on the revised proposals on 2 September 2016. Their latest response concludes:

1. The Highway Authority is satisfied with the principle of the outline proposals as shown on drawing number 4835/052B/Nov 14. There are a number of comments relating to the plan that would need to be addressed for a reserved matters application:
 - a. The access and internal estate road width must be a minimum of 5.5 metres wide. They can only be reduced to 4.8 metres wide where there are no property frontages (and away from the access).
 - b. Drawing number 4835/052B/Nov 14 shows an area of (highway) footway on only one side of the carriageway, although this provision was noted on the previous informal advice for the site. If this road is to be adopted, Suffolk County Council would expect footways to be on each side of the carriageway and 1.8m minimum width.
 - c. In accordance with Suffolk Guidance for Parking 2014, parking spaces should be 5 metres x 2.5 metres.
2. The proposed site layout means there would be no way for a bus to divert from the current routes to service the development. There is capacity on current bus routes to meet demand from the development and although an improved frequency would be desirable to make the buses more attractive; a development of this scale would not produce enough new passengers to require improvements at the current frequency.
3. To make use of the existing bus routes, residents would have to walk to/from Halesworth Road. The nearest stops are at the junction with The Drive. Both of these have shelters (owned by the Parish Council) and hard waiting areas, although only the westbound stop has a raised kerb. There is no safe crossing point across Halesworth Road with dropped kerbs between the stops, it is suggested that one is provided between The Drive and the development.
4. Because a suitable waiting area is a contributory factor to use of bus services, improvements are needed at these bus stops to encourage use by residents from the development. These 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. Bus operators are already providing us with the information required to show them on live screens.
5. Subject to the above being agreed, the following would be required:
6. The number of movements at the site will increase as a result of the proposed development. In order to offset the use of cars for local trips, a comprehensive footway network is required to allow users to access local amenities easily by foot as set out in NPPF para 32. The NPPF indicates that proposals should protect and exploit opportunities for the use of sustainable transport modes for the movement of people. Therefore developments should be designed to “give priority to pedestrian and cycle movements, and have access to high quality public transport facilities” NPPF para 35.
7. Policy CS15 of Waveney District Council’s Core Strategy stipulates that where development is proposed, provisions are required for travel other than by means of private car. Provision for walking is deemed the most important in securing alternative means of transport for residents of the development.
8. SCC’s adopted Local Transport Plan for 2011-2031 sets out the ambitions in both rural and urban locations is in line with the improvements with the footway network. These include: reducing private car usage, improving infrastructure, reducing the impact of transport on communities and better accessibility to services and employment.
9. A new uncontrolled pedestrian crossing point located approximately 53m West of The Drive over Halesworth Road as noted in 5.9 of the supporting Transport Statement for the site would be required. This new uncontrolled pedestrian crossing point would provide safe refuge for

pedestrians crossing Halesworth Road and would encourage local trips to be made by foot by providing a safer route to local amenities and for onward travel via the bus network.

10. The existing footpath which runs along the frontage of the development is currently in a poor state. Given the implementation of the new crossing point on Halesworth Road it is paramount that this route is brought up to an acceptable standard. This is in order to provide a safe, attractive and more viable route for pedestrian use.

As such, any permission that may be given should include the suggested mitigation.

Suffolk County Archaeological Unit was consulted on the revised proposals on 2 September 2016. Their latest response concludes:

1. This application, for improvements to Saint Felix School to include residential development, public open space and associated infrastructure on the former playing field, lies in an area of archaeological interest recorded in the Suffolk Historic Environment Record. Specifically, the development site lies in the vicinity of known heritage assets of probable later-prehistoric (REY024), Medieval (REY019) and WWII (REY086, REY034, REY033) date.
2. In addition, an area of undated cropmarks is known from the land immediately north-west of the proposed development site (REY087). The proposed development would cause ground disturbance that has potential to damage any archaeological deposits which exist.
3. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets.
4. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Suffolk County - Rights of Way were consulted on the revised proposals on 2 September 2016. Their latest response concludes in no objection.

PUBLICITY

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

Category	Published	Expiry	Publication
Major Application, Public Right of Way Affected,	18.09.2015	08.10.2015	Beccles and Bungay Journal
Major Application, Public Right of Way Affected,	18.09.2015	08.10.2015	Lowestoft Journal

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 17.09.2015 Expiry date 07.10.2015
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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 and associated Guidance are also of relevance where the Development Plan is considered, absent or out of date.

PLANNING CONSIDERATIONS

- 6.1 The main issues to consider in the determination of this application are:
- (i) the 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.

Principle of land use

- 6.2 The Council's Strategic Housing Land Availability Assessment Update 2016 demonstrates that there is sufficient housing land over the next 5 years and for the remainder of the Plan Period to accommodate the housing targets set out in the Council's Core Strategy.
- 6.2 As such, in accordance with paragraph 49 of the National Planning Policy Framework, 'full weight' can be given to the policies of the Council's Development Plan as they relate to the scale and distribution of new housing.
- 6.3 Policy CS01 sets out the spatial strategy for the District and directs the majority of new development to the Main Town of Lowestoft followed by the Market Towns including Southwold with Reydon.
- 6.4 Policies DM01 and DM22 support the housing strategy of the Core Strategy and provide extra detail on how to deal with planning applications for housing development.
- 6.5 Policy DM01 of the Waveney Development Management Policies states that development will be concentrated within physical limits and the supporting text to the Policy states that

land outside of physical limits or allocated sites will be treated as being in the open countryside.

- 6.6 Policy DM22 of the Development Management Policies makes clear that housing development will not be permitted in the open countryside except in the following circumstances:
- Dwellings for agricultural or forestry workers where there is an essential need for the worker to live close to the workplace,
 - Affordable housing exception sites
 - Replacement dwellings for homes affected by coastal erosion
 - Infill development, or
 - Conversion of rural buildings
- 6.7 The proposed development fits with none of the above categories and is therefore contrary to Policies DM01 and DM22.
- 6.8 Whilst the application site is situated outside of the defined development limits, it forms part of a ribbon of residential development that extends out of Reydon along the Halesworth Road. The application site is bound to its east and west by residential development and in effect, acts to infill the area of green space separating the modern development of St Georges Square with the residential area to the east. The urban area of Reydon extends along Halesworth Road continuing the pattern of built development westwards as far as the north western boundary of the site and the Site's proposed access onto Halesworth Road.
- 6.9 The site is on a key bus link which runs along Halesworth Road, connecting the site to Southwold to the east and the A12 and associated service centres to the west, there is no footpath to the site boundary and no cycle path linkage to Reydon or Southwold. Albeit that the site has a regular bus service running past and has some accessibility and connectivity to Reydon and Southwold, these factors do not overcome the general presumption against the site's development that is established through Policies DM01 and DM22.

Enabling Case

- 6.10 The purpose of the planning application is to secure consent for housing on surplus land which can be sold to raise sufficient funds to enable improvements to Saint Felix School facilities. A financial viability assessment has been submitted to support the case to evidence that sufficient funds can be raised as well as supporting the delivery of affordable housing and other planning obligations.
- 6.11 The applicant proposes that the receipts generated from the sale of the land (following grant of planning permission) be placed in a ring-fenced 'pot' and used to deliver the various improvement works. The application is supported by a Business Plan setting out the improvements that are required to the school premises in order for it to remain operational. These items cover capital works, refurbishment and modernisation as well as repairs and maintenance to existing buildings and facilities as well as the purchase of equipment. The list has been fully costed at more than £4M.
- 6.12 These include:
- Provision of a sand based hockey pitch
 - New Sports Changing Room
 - New rugby changing pitch including new sprinkler and turf
 - Refurbishment and modernisation of boarding houses
 - Upgrading of School computer systems
 - Upgrading of swimming pool, changing facilities and plant
 - Refurbishment of science laboratories;

- Replacement of central heating system;
- Upgrade of existing hart sports play area to include 2 additional courts;
- New athletics facilities;
- New sewage system; and
- Window maintained / replacement works

6.13 During pre-application discussions the applicants initially put forward a viability case seeking to justify the provision of affordable housing at a rate of 21%. Following a review of the viability assessment and challenge of some aspects of the assumptions and inputs used a revised appraisal was submitted in support of the planning application showing that the proposed development was viable based upon the delivery of a policy compliant level of affordable housing. The Viability Assessment now assumes the provision of 35% affordable housing on the site (in accordance with Policy DM18) and the provision of Community Infrastructure Levy charge on the market housing element.

6.14 The Council's consultant is satisfied that the methodology of the appraisal is sound and that assuming that outcome is as detailed in the appraisal that sufficient funds will be generated in order for the school's list of required improvements to be fully implemented. Based upon the evidence submitted by the applicants I am satisfied that the cost of the school's list of required improvement works is reasonable both overall and for individual items.

The latest information submitted does not prioritise or programme the works. I recommend that the Council seeks to impose a robust and regular review and monitoring process to ensure that all the funds generated as a result of any enabling development are properly expended in carrying out the required improvement works to the school and are not used for other purposes.

6.15 A detailed business plan covering the period 2013-2016 has been submitted in support of the application together with an update covering the period up to 2019. The plan details the trading background of the school as well as forecasting the future trading prospects. The plan also deals with the need for the improvements required to the school's premises and facilities in order to sustain its future. Having reviewed the business plan I am satisfied that it fairly represents the current and future trading prospects of the school as well as explaining the need for the improvement works required. The current trading performance and asset base of the school are not sufficient to fund the extent of improvement works required and therefore the need for the enabling development is made. Based upon the assumption that the improvement works are carried out and the resulting financial performance of the school is as set out in the business plan financial forecasts I agree that they are a reasonable assessment of the continued viability of the business.

Our consultant has reviewed the updated Financial Viability Report (April 2017), he remains content that although the initial report was submitted in 2015 that the conclusions remain are reasonable, i.e. the proposed development is viable and able to meet the required CiL obligation; deliver policy compliant affordable housing as well providing the school with sufficient capital to undertake the required improvement works. These works now include the addition of the new pitch (required since the original review was undertaken) and which increases the estimated cost of the works to £4,333,647 including VAT. The works are split into two lists of priorities costing £3,505,647 and £828,000 respectively. The schedule of works also now provides a programme for the proposed works which is considered reasonable. As stated above the Council will still need to provide for a robust and regular review and monitoring process to ensure that all the funds generated as a result of any enabling development are properly expended in carrying out the required improvement works to the school and are not used for other purposes.

6.16 As such, whilst the proposed development site is located outside the defined development limits of Southwold with Reydon, there is a demonstrable economic case for residential

development in this location to fund the level of essential infrastructure investment proposed at the school.

Loss of Sports Pitches

- 6.17 The application site comprises land that forms part of the School's existing playing field.
- 6.18 In redeveloping the site, 16,000 sqm of existing playing field will be lost. There is a requirement under National and Sport England Policy Guidance to provide replacement provision of equivalent or better quantity and quality.
- 6.19 In response to initial objections provided by Sport England, the applicant has submitted 'A Feasibility Study for the Relocation of the Natural Pitch Playing Area' which was supplemented in an amended report received by the Local Planning Authority on 25 April 2017.
- 6.20 The Report indicates that replacement provision can be provided to the south of the existing sports pitches on an area of school land that is currently used by the school for equestrian activities.
- 6.21 Drawing A.44.267e submitted with the updated Report demonstrates that the full 1.9ha (playing pitches plus run-off) of sport field can be re-provided on land to the south, thus the quantitative requirement for re-provision is met. The Report contends that the existing playing field does not meet Sport England's Performance Quality Standards but that these Standards may be met through the proposed playing fields thus delivering better quality provision.
- 6.22 The applicant also intends (as shown on Drawing A.44.267e) to mark out an additional rugby pitch on the playing field to the south of the main school buildings. This area has however, been used as sports field before so does not qualify as replacement pitch provision but would help to meet the current training requirements from Southwold Rugby Football Club as well as providing an additional resource for the school and potentially other local sports clubs and schools.
- 6.23 The applicant also proposes to enter into a Community Use Agreement to secure the continued and improved use of the proposed replacement pitches by local clubs and schools which would meet the accessibility requirements of Sport England.
- 6.24 Sport England is now satisfied that the proposals meet their playing fields policy (exception E4) in that replacement playing fields meet all the criteria of the above policy. Sport England also considers that the proposal will deliver additional benefit with regard to the proposed new changing facilities (subject to subsequent approval of the details of this scheme).
- 6.25 Sport England confirm that their support is subject to the securing of a Section 106 Agreement and / or set of planning conditions requiring the replacement playing fields to be delivered in connection with the residential development and the securing of community access to the playing fields.
- 6.26 Officers have over the course of the application's determination questioned the applicant's ability to deliver the proposed replacement pitches and to tie their provision and control their usage through a Section 106 Legal Agreement.
- 6.27 In response the applicant contends that the proposed works would constitute permitted development under Part M of the Town and Country Planning General Permitted Development Order (2015) as amended in 2017. The applicant is of the view that the reference to 'the erection, extension or alteration of a school' refers to a school premises in its entirety and is not limited to a school 'building' which is different to hospitals.

- 6.28 It is the applicant's view that the provision of new pitches on the equestrian area constitutes an engineering operation and is therefore 'development'. They assert however, that this development is permitted development as it does not fall within the definition of development which is NOT permitted (outlined under M.1 or the Order).
- 6.29 Officers disagree with the applicant's assessment for the following reason:
- 6.30 Part 7 Class M.1 (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) refers to development not being permitted, "if the cumulative gross floor space of any buildings (officer's emphasis) erected, extended or altered would exceed...."
- 6.31 Furthermore In paragraph M3, under the paragraph relating to the interpretation of "school" it states; "school" does not include a building (officer's emphasis) which changed use by virtue of Class S of Part 3 of this Schedule (changes of uses)....."
- 6.32 The definition of "building" in the Town and Country Planning (General Development Procedure) Order 1995 (as amended) includes, "any structure or erection, and any part of a building", and "playing field" means, " the whole of a site which encompasses at least one playing pitch....".
- 6.33 In conclusion the Legislation has provided for a separate definition for a building, a school and a playing field, and therefore officers interpret Class M as referring to a school building as being a building and not land or premises.
- 6.34 Engineering operations to create a playing pitch would not constitute permitted development.
- 6.30 Despite this technical disagreement there remains the possibility that the sports facilities can be secured under a legal agreement tying their provision to these development proposals. Officers have approached Counsel for opinion on this matter. It is Counsel's opinion that the proposed playing pitches can be secured by the developer being required to apply for planning permission through the Section 106 Agreement.

Counsel state :

"I see no difficulty with including in a Section 106 Agreement a requirement that the applicant must get planning permission for something – it does not need to be specifically designed and 'worked up' but it should be sufficiently clearly defined. The bottom line is that if the applicant does not secure that planning permission the residential development cannot proceed'.

- 6.31 In light of the above it is officer's view that the proposed replacement pitches are at least equally commodious to those existing pitches and may in fact provide qualitative betterment. The replacement pitches will need to be delivered on the school site prior to commencing the residential development to ensure no temporary loss of provision. As shown above it is considered both lawful and appropriate to require the developer to deliver on this obligation through suitably worded clauses within a legal agreement.
- 6.32 The provision and agreement of a Community Use Agreement to ensure the continued use of the playing pitches by local sporting groups can also be secured in this way.
- 6.33 The developer will also be required to provide and agree in writing with the Council an implementation scheme to ensure that the playing pitches provided are of equivalent or better quality to the existing. Again, this can be effectively controlled through a Section 106 Agreement.

- 6.34 Whilst not part of the planning application proposals the applicant has sought to demonstrate that the proposed development would not result in a net dis benefit to the equestrian facilities, with the necessary replacement provision being made within the school grounds under the schools permitted development rights.
- 6.35 The existing equestrian area equates to approximately 1.6 hectares, to compensate for its loss the school proposes a new equestrian area to the south of the existing school buildings and external areas, measuring approximately 0.5 hectares.
- 6.36 Whilst they do not have any statutory responsibility for equestrian facilities, Sport England has asked the school to justify the reduction in space and the impact that this would have on community groups.
- 6.37 In response the School has confirmed that the equestrian facilities are underutilised with only 6 pupils using the resource. The facilities are not used by community groups on a regular or formalised basis. The School is not BEF affiliated and the cost of bringing the facilities up to BEF standards has prevented the School from opening up the facilities for use by the community.
- 6.38 It should also be noted that the School could remove the facilities at any time without planning permission. In this instance the continued operation of the facility is not considered outwith the requirements to offset the proposed residential development. As such there is no lawful reason or planning justification to require the School to deliver new equestrian facilities in connection with the proposed residential development. The proposals are therefore absent from the head of terms to the legal agreement.

Access and Transport

- 6.50 A new point of access is proposed off Halesworth Road, 30m west of Keens Lane. A new 1.8m footway is also proposed on the eastern side of the access road linking the development to Halesworth Road. A series of off-site footway and highway improvements are proposed to improve linkages between the site and the centre of Reydon.
- 6.51 These include footways to both sides of Halesworth Road to the east off the proposed access road with a dropped tactile paved road crossing. Whilst outside of the applicant's ownership the works are within the highway and may be secured through a Grampian condition and a Section 278 Agreement.
- 6.52 The proposed development will generate 48 two way vehicle movements in the AM Peak period and 50 two way trips in the PM Peak (401 daily movements). This represents a 7% increase in daily trips when compared to the surveyed data.
- 6.53 Whilst the percentage increase in vehicle movements is relatively high (due to the low level of vehicles movements on the road at present) there is more than adequate capacity to accommodate the anticipated flows from the proposed development and additional subsequent traffic growth.
- 6.54 Suffolk County Council confirm a need to offset the increase in vehicular movements through the provision of a comprehensive footway network and agree that the new uncontrolled pedestrian crossing point would provide a safe refuge for pedestrians crossing Halesworth Road and would encourage local trips to be made by foot be providing a safer route to local amenities and for onward travel. A series of conditions are recommended to secure the delivery of the uncontrolled pedestrian crossing and access point to required standards.
- 6.55 Future residents of the proposed development would be encouraged to utilise the existing bus routes that run along Halesworth Road. The nearest stops are located at the junction of Halesworth Road with The Drive and benefit from bus waiting areas. In order to

encourage use of the stops by future residents the County Highway Department request improvements to the waiting area including raised kerbs and real time screens to show live bus arrival times to be secured through a financial contribution.

- 6.66 The Highway Authority provides no objection to the principle of the proposed development subject to securing the aforementioned mitigation being secured by way of appropriately worded planning conditions.

Ecology and Trees

Direct Impacts

- 6.67 An Ecological Survey of the site accompanied the application. The Survey assesses the habitat value of the site and the potential for the development to impact adversely upon protected species and / or habitats.
- 6.68 The site comprises almost entirely species poor improved and semi improved grassland but with some marginal areas of short acid grassland that are moderately species rich with one nationally scarce species (clustered clover)
- 6.69 The group of evergreen oaks located along the southern side of Halesworth Road are subject to Tree Preservation Orders (TPOs) and are to be retained in their majority for their landscape and ecological value.
- 6.70 Part of the group will need to be removed to allow for the construction of the proposed access road, albeit this is to be limited to 6 stems within the western part of the group. The removal of these stems is not considered to have a significant impact upon their landscape value. The existing tree belts will cause some issue with shading and shadowing of the proposed dwellings, albeit the setting back of the dwellings from the tree belt, the careful design and orientation of the properties and some selective pruning and removals will resolve this issue.
- 6.71 No evidence of badgers was observed during the site surveys. There is no suitable habitat on site for Otter and Water vole and there is no water body located within the site or within 250m of the proposed development area.
- 6.72 Smooth newts were however, observed in the ornamental pond to the south west of the site and as such the possibility of Great Crested Newts cannot be ruled out. A single common toad was seen 120m to the south of the proposed development area.
- 6.73 There are no suitable sites for barn owls albeit the species are present on land 130m to the north. Bat habitats are also limited.
- 6.74 The proposed development will result in the loss of mainly “floristically species poor grassland” and as such the proposed development is not considered to result in any significant adverse impacts upon the ecological or biodiversity value of the site.

Indirect effects

- 6.75 There is potential for housing developments to generate increased recreational activity, particularly dog walking, which can result in disturbance impacts to designated bird species on designated sites.
- 6.76 With the development site being just over 1km from the Minsmere-Walberswick SPA, and within 8Km of the Minsmere Walberswick SPA and the Benacre-Easton Barents SPA, which are popular areas for recreation and dog walking, there is the potential for the proposed development to result in recreational disturbance to birds on these designated sites.

- 6.77 Improvements to convenient local greenspace for routine use can reduce the demand for visits to European sites and the applicant has submitted a Habitat Regulations Assessment including a Strategy for the Avoidance of Recreational Pressure to demonstrate how they propose to introduce mitigation to ameliorate impacts.
- 6.78 The strategy outlines a framework for the provision of green infrastructure as part of the development, which Natural England agree to be of suitable design and of sufficient quantity to be attractive for regular dog walking.
- 6.79 The proposals include 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 (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 may be secured in perpetuity through a Section 106 obligation as outlined in the submitted draft Heads of Terms.
- 6.80 However, even with this additional new green infrastructure, developments within 8km of designated sites are likely to result in additional recreational pressure such sites. As such and in response to the recommendations of Natural England the developer will provide a proportionate financial contribution to give mitigation against the effects potential recreational disturbance at these sites.

Habitats Regulations Assessment

- 6.81 The Local Planning Authority has considered the potential effects of the proposed development on European Designated Sites.
- 6.82 The applicant has submitted a Shadow Habitat Regulations Assessment with the application which has been informed by advice obtained from Natural England.
- 6.83 There are four main stages to the Habitat Regulations Assessment, namely:
1. Screening for likely significant effects (in the absence of mitigation)
 2. Appropriate Assessment
 3. Assessment of alternative solutions
 4. Assessment where adverse impacts remain (where there are overriding public interest)
- 6.84 If during the screening there is judged to be no significant effect on the Natura 2000 sites then there is no need to carry out stages 2 to 4.
- 6.85 Natural England has responded to the application proposals stating that their main concern relates to the potential increase in recreational pressure of the development on surrounding designated sites.
- 6.86 As recommended by Natural England this matter has been considered alone and in combination with the effect of other projects, plans and programmes locally.
- 6.87 In accordance with the advice provided by Natural England the Authority has considered the impact of the development on the interest features and the significance of the Minsmere-Walberswick Heaths and Marshes SSSI. On assessing the impact consideration has been given to that mitigation measures may be necessary.
- 6.88 For the purpose of the initial screening a 10km zone of potential influence was set. Five Natural 2000 sites were identified within the zone including:
- Benacre to Easton Bavents SPA
 - Benacre to Easton Bavents SAC
 - Minsmere – Walberswick SPA
 - Minsmere – Walberswick SAC
 - Minsmere-Walberswick Ramsar
- 6.89 It has been determined with reference to assessments undertaken for the Suffolk Coastal Local Plan that there will be no direct effects on Benacre to Easton Bavents SPA or SAC.
- 6.90 Increased recreational impacts on the Minsmere -Walberswick SPA, SAC and Ramsar Sites is possible given the footpath links of the development to these areas, the nearest access point being 1.7km. However, the draw of these sites is considered relatively low due to the lack of circular walks.
- 6.91 The applicant has submitted a Strategy for the avoidance of increased recreational pressure which includes:
- New access point into the existing network of footpaths including permissive access along St George Land
 - Provision of new Accessible Natural Green Space (1 to the north and 1 to the south of the proposed circular walk including dog bins and accessible only to proposed residents)
 - Management of Path margins
 - Improved sign posting and interpretation

- Monitoring and management

6.92 The implementation mitigation is considered sufficient by the Authority to ameliorate the impact of the proposed development upon the Minsmere-Walberswick SPA, SAC and Ramsar Sites.

6.93 In order to remove any residual risk a contribution towards the Natura 2000 monitoring and mitigation strategy for Suffolk Coastal District Council is proposed by the applicant, these monies can be recovered through the Community Infrastructure Levy charge.

Visual Amenity and Landscape Impacts

6.94 The application site is located outside of the defined development limits and within the Suffolk Coast and Heaths AONB.

6.95 Policy DM27 offers protection to such areas indicating that development affecting the AONB will 'not be permitted unless it can be demonstrated that there is an overriding national need for development and no alternative site can be found'.

6.96 This level of protection is supported by National Planning Policy guidance which confirms that

"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty." (para 115 NPPF).

6.97 Paragraph 116 of the NPPF goes on to state that "Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

6.98 The need for the residential development in this location within the AONB has been discussed in earlier sections of this report. The School's requirement to generate sufficient funds in order to improve upon its existing facilities and to secure its long term sustainability has been detailed within the applicant's Business Plan.

6.99 The 69 residential dwellings proposed will generate the necessary land values within the School site and within the School's ownership. The development requirement is considered bespoke to the School site (by virtue of the enabling requirement) and cannot be effectively met elsewhere.

6.100 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which assesses the potential impact of the proposed development upon the local landscape character and its potential visual effects.

6.101 The site was assessed to be of medium to low sensitivity to change due to its existing use as playing fields and its urban (school) setting.

6.102 The general structure of the landscape may be maintained through a landscaping strategy as may the mature belt of trees which make a positive contribution to the landscape character and may act as screening for the proposed development.

- 6.103 As such, the exceptional circumstances for developing within the AONB have been demonstrated with the need for development within the school grounds having been proven. The location of the development site on the existing playing fields is considered the most appropriate location within the School grounds due to its low to moderate landscape sensitivity.
- 6.104 Furthermore, it is considered that any detrimental effects to the landscape character of the site and the contribution that it makes to the wider AONB that may result from the proposed development may be effectively mitigated through a landscaping strategy to be agreed at the detailed design stage. Whilst not forming part of this application the applicant has also demonstrated to the satisfaction of statutory consultees that the recreational opportunities provided by the existing playing fields can be re-provided by new facilities.

Ground Conditions

- 6.105 The site has remained undeveloped for the assessment period of 1882-2014. A number of sand and gravel pits have existing in the surrounding area and a number have been backfilled. A number of historic waste sites have also been identified in the area.
- 6.106 Given the history of the site there is considered to be a low to very low risk from soil contamination at the site, albeit there is some risk from ground gases which require further investigation and characterisation and remediation where necessary.
- 6.107 The Council's Environmental Health Officer recommends that an intrusive investigation be carried out to investigate and characterise any potential confirmation sources This work, and any remediation and validation which may be required, may be secured using model conditions and as such the Council's EHO provides no objection to the grant of planning permission.

Flood Risk, Drainage and Utilities

- 6.108 The application site is located in Flood Zone 1 and is of Limited Risk of Fluvial Flooding.
- 6.109 The land surrounding the site is served by a surface water public sewer network owned and maintained by Anglian Water. The public sewer network is considered to pose a low flood risk to the site in the event that the network exceeds capacity or becomes blocked. To further reduce the risk of flooding to the site and downstream development the applicant proposes a series of design parameters within their FRA including specific Finished Floor Levels and Site Levels.
- 6.110 The applicant also proposes to utilise sustainable drainage techniques which may include either soakaways or the use of onsite attenuation to allow water to discharge to a local water course to replicate existing greenfield run-off rates during a 1 in 100 plus climate change storm event.
- 6.111 Following the initial queries from the Lead Flood Authority the applicant has demonstrated to the Authority's satisfaction the ability to link to "any ordinary watercourses" through land solely within the School's ownership and that the chosen watercourse has a positive outfall from the site to be able to discharge by this means.
- 6.112 The Flood Authority has no objection to the proposals subject to a series of recommended planning conditions.
- 6.113 Anglian Water confirms that the foul drainage from the development is in the catchment of Southwold Common Water Recycling Centre that will have available capacity for these flows. The wider sewerage system has available capacity for these flows.

PLANNING BALANCE

- 6.114 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.
- 6.115 Paragraph 14 of the National Planning Policy Framework requires Local Planning Authorities to approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 6.116 In this instance the development plan comprises the Waveney District Council Core Strategy and Development Management Policies.
- 6.117 With the Council capable of demonstrating a deliver 5 year supply of housing 'full weight' can be given to the policies of the Council's Development Plan as they relate to the scale and distribution of new housing.
- 6.118 The application site is located outside of the defined development limits and is to be regarded as 'countryside'. The development does not satisfy any of the exceptions specified under Policy DM22 and is considered contrary to the Council's Development Plan Policies as they relate to the distribution of new housing development.
- 6.119 The applicant's cite exceptional circumstances justify these proposals. The application is for enabling residential development that can offer a means of essential infrastructure investment which is otherwise beyond the scope School's business plan. The Council has commissioned independent advisers to consider the viability analysis which supports this exceptional case. Subsequently officers rest that the evidence submitted demonstrates to our reasonable satisfaction that the scope of development can both be intrinsically linked to those needs and is necessary to secure the long term sustainable operation of the School.
- 6.120 Having established the scale of development then National Policy requires that local planning authorities should then assess whether the benefits of a proposal for enabling development (which would otherwise conflict with planning policies) outweighs the disbenefits of departing from those policies.
- 6.121 The appropriateness or otherwise of the proposed development instance comes down to assessment of 'planning balance'.
- 6.122 The provision of new residential accommodation for Southwold and Reydon has some benefit in assisting the Council in maintaining a deliverable supply of market and affordable housing. However the Council can demonstrate a deliverable 5 year supply and therefore limited weight applies. The scheme will also provide affordable housing (35%) to meet identified local needs, and will give an investment in the local economy during the construction phase. There will also be uplift in parish precept and CiL income. Officers acknowledge that only limited weight accrues to these elements and some local doubt exists over the provision of further affordable homes in the Southwold & Reydon area.
- 6.123 The most evident benefits of the proposed development are the physical improvements and additional facilities that will be delivered at the School. These are listed in earlier sections of the report (6.12). These benefits are can be secured and delivered through the provision and agreement of an Investment Schedule and Phasing Programme to be secured through a Section 106 Agreement.

- 6.124 The applicant has demonstrated to the satisfaction of Sport England that the playing pitches to be lost through the proposed development may be re-provided within the School grounds to equal if not better quality. The School's commitment to enter into a community use agreement to allow the improved facilities to be used by local community groups is considered of some benefit.
- 6.125 The economic benefits derived from the development phase of the proposals should be added to weight in favour. In a similar vein the School's viable future in the longer term offers value to the local economy as a significant direct / indirect employer in the locality and also a commissioner of goods and services from local suppliers.
- 6.125 The impacts of the proposed development have been documented within the planning appraisal section of this report and have been demonstrated through the technical reports accompanying the application to be capable of being mitigated to an acceptable level through the proposed conditions and measures set out within the Section 106 Agreement including the provision of new accessible natural Green Spaces and other measures required to avoid recreational pressure on nearby designated sites.
- 6.126 The impact of the proposed development upon the local highway network, ground conditions, flood risk and drainage has been deemed acceptable by statutory consultees subject to mitigation to be secured through appropriate planning conditions.
- 6.127 In light of the above, the proposed development is deliverable, and that this enabling development that delivers positive discernible benefits to the School and to the local community.
- 6.128 After the application of appropriate mitigation, the detrimental impacts of the development (as listed in this report), are not considered of such significance so as to demonstrably outweigh the wider planning benefits delivered by this development. On this basis officers conclude that the planning balance in this case is a positive one and that the development should be recommended for approval.

RECOMMENDATION

7.1 Members resolve to grant planning permission subject to the agreement and signing of a Section 106 Agreement dealing with those matters specified below:

- 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.

7.2 Conditions to cover the following matters:

- 1. Standard Outline time limits
- 2. Submission of reserved matters
- 3. Surface water drainage strategy (at first reserved matters).
- 4. Highway improvement works
 - uncontrolled pedestrian crossing point (West of The Drive over Halesworth Road)
 - improvement of the existing footpath (frontage).
- 5. Access improvements
- 6. Reptile survey and mitigation.
- 7. Contaminated Land investigation and mitigation.
- 8. Tree Protection.
- 9. Landscaping
- 10. Construction Environmental Management Plan (CEMP)

Community Infrastructure Levy - Amount to be calculated at the Reserved Matters Stage.

BACKGROUND INFORMATION: See application ref: DC/15/3288/OUT at www.waveney.gov.uk/publicaccess
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