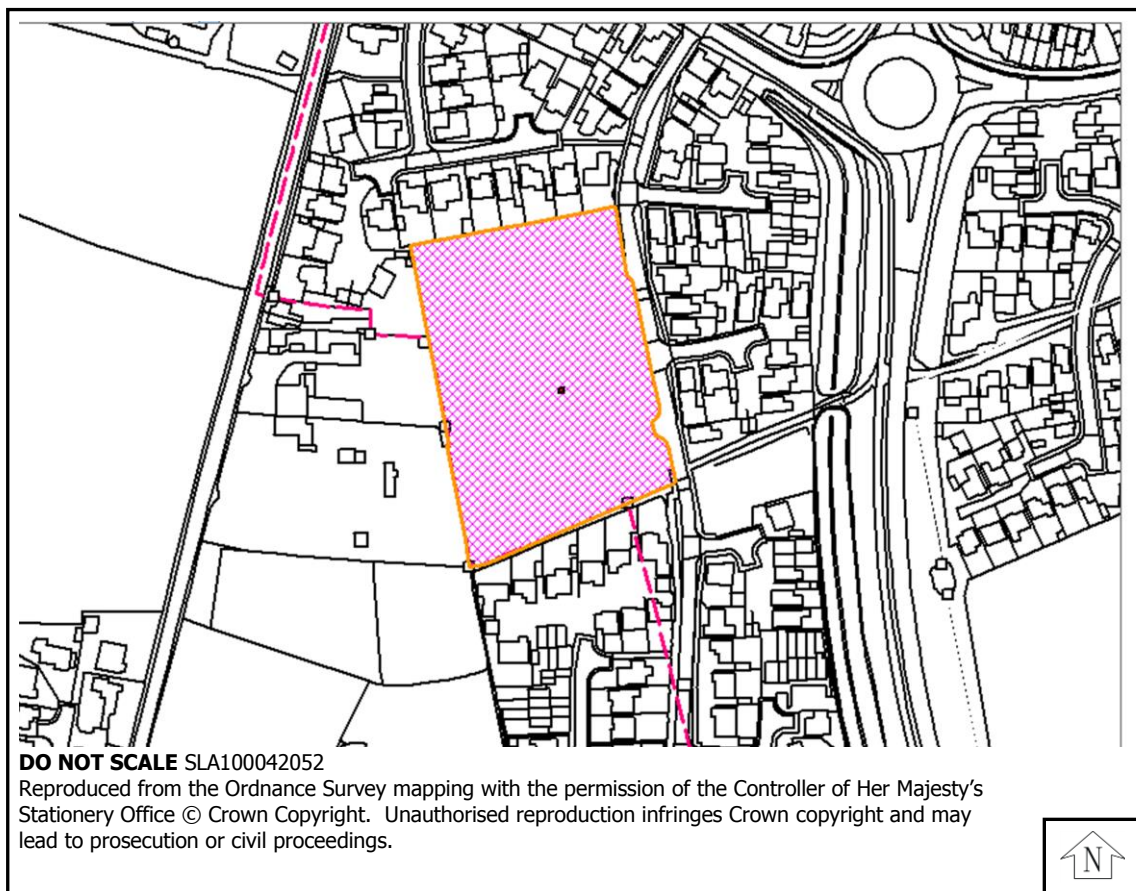


LOCATION

Land At
Fallowfields
Oulton
Suffolk

EXPIRY DATE 28 August 2018
APPLICATION TYPE Full Application
APPLICANT W.M. Tubby Ltd
PARISH Oulton
PROPOSAL Construction of 30 dwellings and new access road



1 SUMMARY

- 1.1 This proposal is to provide open market and affordable housing on a hectare of land within the larger housing estate development, the land set aside for a school that is no longer required, as a result of school construction elsewhere. The proposal provides housing delivery but has raised community concern regarding land clearance, though this work did not require a planning permission in itself.
- 1.2 The officer recommendation is one of conditional approval with conditions to be based upon further consultation and iteration work.

2 SITE DESCRIPTION

- 2.1 This site, covered by policy LOW1 of the adopted Local Plan, comprises greenfield land situated in an area of new housing development at Parkhill, Oulton. It is a flat, grassy area with bushes, brambles and other vegetation and the occasional small tree. It is bordered by a hedge to the west and garden fences to the north and south. The site is currently separated from the road by a raised earth bank, but Suffolk County Council signs indicate that the public may enter and use the site for recreational purposes at the present time.
- 2.2 Access to the site is from Fallowfields, and the road has been constructed to give two points of vehicular access to the land. Fallowfields is a traffic-calmed road, with speed bumps at intervals. The site is easily accessible by foot, cycle or public transport from the surrounding residential streets or dedicated routes along Millennium Way.
- 2.3 Fallowfields joins onto Park Meadows estate road before joining the spine road (Millennium Way) at a roundabout shared with Bentley Drive.

3 PROPOSAL

- 3.1 This site was allocated for a new primary school in the Waveney Local Plan (1996) and the Waveney Interim Local Plan (2004) and the Local Development Framework Core Strategy 2009.
- 3.2 This proposal is for 30 x 2 Storey dwellings with ten available as affordable (three bed and two bedrooms) with the remaining 20 dwellings being 16 x four bedrooms and four x three bedrooms.
- 3.3 There is an open green area next to the existing road with the nearer larger dwellings fronting this off short private drives.

4 CONSULTATIONS/COMMENTS (all comments are summarised except for Parish Council which is in full. The other responses are in full on www.eastsuffolk.gov.uk)

4.1 Neighbour consultation/representations

Comments received ref Fallowfields: 2 The Leas from two individuals, from Mr and Mrs Graham (address not provided), 44, 46, 57 and 59 Fallowfields, 25 Mount Pleasant, 9 Rookery Close, 1 Verdure Close, 2 other unspecified addresses in Verdure Close, 12 Field Grange, 6 and 8 Bosquet Close, 4 Gunton Cliff Lowestoft and Kilbrack Beccles summarised and précised:

- No ecology survey carried out before land clearance. Moles, hedgehogs and other species were harmed.
- Residents were not informed and the work started at 7.30 am.
- The work took place during a blizzard with Health and Safety at work implications.
- This land along with its wildlife was added to the Ecological register in 2009 and recommendations were made to remove it from planning applications for the reasons in the point above, there was a diverse level of wildlife and self sowing trees and orchids present.

- The open space should be left as a wildlife meadow. This is not wasteland but has become a wildlife resource and is used and appreciated as an open break by local residents. This is greenfield and brownfield land should be developed.
- The site is home to southern marsh orchids, bee orchids, hybrid southern marsh and spotted orchids. Orchids have become endangered and rare in our area. This is an important site for these plants. The area supports native wildlife, needing protection.
- The area directly behind our property attracts various wildlife including long-tailed tits, blue tits, great tits, robins, song thrush, black birds, wrens, sparrows, starling, dove, pheasants, goldfinches, greenfinches, bullfinches, jays, magpies, great spotted and green woodpeckers, grey squirrels, muntjac deer, hedgehog, foxes and various insects including butterflies, dragonflies and bumble bees.
- The remaining hedging to boundaries should be retained.
- The existing self-sown trees with appropriate fencing and screen planting are required along the three sides of the proposed site (bordering existing properties) to reduce overlooking and privacy.
- The greenspace acts as a corridor for existing wildlife in compliance with policy
- The application should be refused because clearance work has already occurred and if the writer had extended their house without permission they would have had to demolish unauthorised work. There should be mitigation for wildlife harms.
- There will be extra traffic from the 60 cars and the single access road resulting and danger to children accessing the few local play areas. Cars reach 30mph between the bumps.
- The speed humps should be repositioned to reflect that the site is not now to be a school
- The looped design is at odds with the layout elsewhere in Park Meadows where cul de sacs are used.
- Parking opposite in Verdure Close will be adversely impacted.
- Double yellow lines are needed at junctions.
- There will be insufficient open space per household. National Planning Policy framework requires open space is not be built upon unless there is positive benefit.
- There will be pressure on local medical (hospitals, doctors and dentists) and educational facilities. The General Practice at Crestview Medical Centre has a shortage of GPs and is oversubscribed. Oulton medical Centre was closed in recent

years burdening the other surgeries. Primary and High schools are already at full capacity.

- The proposal represents over-development and is alien to the otherwise uniform area.
- There will be a loss of outlook to surrounding residents and loss of privacy by virtue of small gardens proposed. There will be noise harms from parking spaces. One owner has a swimming pool so overlooking will be more intrusive with regard to this.
- There is no need for these additional 30 houses, with the new massive development of North of Sands lane, the new developments at Dunston Drive and the North Lowestoft Village. These also put stress on services and healthcare.
- There are no smaller open market dwellings
- Larger properties in this area are limited, thus many homeowners choose to extend.
- Property will be devalued. Residents have lived in the locality for a long time. People bought property on the expectation of school development.
- The construction work will cause noise and disturbance and mud on the road. Staff can arrive at 6.00 am. When we complained we were threatened.
- Work on site can take 3 years; the original work took 6 years. There should be penalties.
- Social housing often contains problematic people. This will conflict with elderly people. There is no affordable housing within the existing Park Meadows estate.
- We fear the developer will change things at the last moment unless there is a meeting with residents and binding agreement.
- Local gardens already suffer ponding on the surface in heavy rain, development might exacerbate this.
- There is a 3m high Victorian brick wall on part of the west boundary of the proposal site so other walls should be of similar height.
- The change of use from a primary school to housing has not been the subject of prior public consultation.
- The footway crossing appears to be turned into the junction, thus forcing pedestrians/cyclists off their natural course. This is highly unsatisfactory. It is not only inconvenient to users of the footway but dangerous because it makes it harder for both motorists and users to see each other. What is needed is a "gateway" hump across each side road beside Fallowfields, as explained in Traffic Advisory Leaflet 2/94: Entry Treatments published by the Department for Transport.

4.2 Parish/Town Council Comments

Oulton Parish Observations, We Object to this Application on Procedural Development. The study of 19th May 2009/ 12th June 2009, For Fallow fields land Low 1 was undertaken, it was considered the site should be kept as open space due to its biodiversity, this view along with others is placed in the latter part of the study (comments and recommendations) with the orchids being reported to the county ecologist.

The land has been passed back to the owners WM Tubby LTD, in the report it stated that this land should be taken out of Development, the land was cleared in February 2018 before any survey of the ecology had been done for fauna or a reptile survey as pointed out in the above study.

4.3 Suffolk County Council Section 106 Officer

Whilst most infrastructure requirements will be covered under Waveney District Council's Regulation 123 list of the Community Infrastructure Levy charging schedule it is nonetheless the Government's intention that all development must be sustainable as set out in the National Planning Policy Framework (NPPF). On this basis the County Council sets out below the infrastructure implications with CIL costs if planning permission is granted and then implemented.

Community Infrastructure Levy

The current Waveney 123 List, of May 2013, funds the following through CIL and not planning obligations: Strategic highway improvements, Pedestrian and cycle infrastructure, Provision of new libraries and improvements to existing libraries, Provision of additional pre-school places at existing establishments, Provision of primary school places at existing schools, Provision of secondary, sixth form and further education places, Provision of waste infrastructure

Education: SCC anticipates minimum pupil yields from a development of 30 dwellings:

Primary school age range, 5-11: 6 pupils. Cost per place is £12,181 (2018/19 costs).

Secondary school age range, 11-16: 5 pupils. Cost per place is £18,355 (2018/19 costs).

Secondary school age range, 16+: 1 pupil. Costs per place is £19,907 (2018/19 costs).

The local catchment schools are Gunton Academy, and Benjamin Britten Academy.

Based on existing forecasts SCC will have no surplus places available at the catchment schools. On this basis, SCC will make a future CIL funding bid at a minimum cost of £73,086 (2018/19 costs) for primary school provision and £91,775 (2018/19 costs) for secondary school provision.

Pre-school provision: This development creates demand for up to 5 pre-school children and CIL funding for 4 places is required. A CIL funding bid of £8,333 (2018/19 costs) per place will be made i.e. £33,332.

Play space provision. Consideration will need to be given to adequate play space provision. Transport issues. A comprehensive assessment of highways and transport issues will be required as part of the planning application.

Libraries: A CIL contribution of £216 per dwelling is sought, total £6,480.

Waste: All local planning authorities should make sufficient provision for waste management and promote good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape by providing adequate storage. Garden composting bins should be provided before occupation of each dwelling by way of a planning condition. Water butts should be provided, connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

A CIL contribution of £51 per dwelling for waste issues, giving a total of £1,530.

Supported Housing: Homes should be designed to meet the health needs of an aging population. Homes should be designed to Building Regulations M4(2)' standard, with a proportion of dwellings being built to 'Category M4(3)' standard.

A proportion of the housing and/or land use to be allocated for housing with care for older people.

Sustainable Drainage Systems. Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems for developments of ten or more dwellings unless otherwise inappropriate.

Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for fire-fighting which will allow us to make final consultations at the planning stage.

Super-fast broadband. To accord with NPPF paragraphs 42 - 43 all development should be equipped with high speed broadband (fibre optic) to facilitate home working.

4.4 SCC Flooding Authority

We have reviewed the following submitted documents: Rossi Long Consulting, Flood Risk Assessment and Surface Water Drainage Strategy, 181018, June 2018; Anglian Water, pre-planning assessment report, 29/06/2018; Comments from Emma Kerrison at Rossi Long Consulting dated 04/07/2018 10:42. We recommend approval of this application subject to (the) conditions (shown in the recommendation section of this report)

4.5 Police –Designing out Crime Officer

The developer should consider applying for a Secured by Design award for this site.

This is a well-designed layout having a good movement framework without too much permeability. There is a lack of detail in respect of external works, landscaping, lighting, boundary proposals. Because of this my comments are based on assumptions.

Most properties are orientated to provide active frontages and the majority of parking appears to be in curtilage or has good natural surveillance which is the preferred option of Secured by Design.

Suggested additional consideration and details to reduce the opportunity for crime.

Front Boundaries

Front boundaries should be around 1 metre in height and permit views through. Railings are often the best option.

If open plan is proposed, some variation in materials to denote private and public space is suggested.

Fencing

1.8m high close boarded fencing is in accordance with our recommendations. The addition of a trellis topping would deter climbing.

Gates to the side of dwellings ideally near the front can control access to rear gardens and should be robustly constructed, and be the same height as the fence and be capable of being locked from both sides.

Lighting

Providing a good quality and consistent level of lighting can deter crime. Lighting should be designed in accordance with BS 4589 to provide a consistent and uniform level of lighting. All elevations where there is an entrance door should have dusk to dawn lighting.

Planting

Certain types and species of shrubs, when mature, can provide barriers where natural surveillance is compromised. To prevent hiding places however planting next to footpaths should be kept low with taller varieties next to walls. A robust maintenance plan is needed to prevent planting becoming overgrown.

The public open space should be planted to prevent vehicular access but also allow natural surveillance. Children's play areas should be well secured, and signage should clearly indicate the intended use relating to a specific age group.

Children's play areas should be located sufficiently close to nearby residential properties to ensure observation but at an appropriate distance to ensure no nuisance from noise.

Defensible Space: The developer should consider the provision of defensible space or buffer zones to the gable ends of plots 1, 24, 25, 28, 29, 30 .

4.6 NHS Great Yarmouth And Waveney Clinical Commissioning Group

No response received to consultation of 31 May 2018.

4.7 Head of Environmental Health - Contaminated Land

The author of the Phase 1 study submitted with the application has not identified any sources of contamination likely to impact upon the site and has concluded that no further investigation or assessment of contamination is warranted. However, the development involves disturbance to land and the introduction of new residential receptors so I would advise the LPA to impose a planning condition requiring the reporting of any suspected contamination encountered during development.

4.8 Suffolk County Council - Highways Department

There has been a lengthy exchange over the depiction of the extent of the current adopted highway land and encroachment by the applicant.

No Travel Plan or Resident Travel Packs are required for this development as it is below the threshold.

4.9 Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site and an informative should be added regarding this.

Wastewater Treatment: The foul drainage from this development is in the catchment of Lowestoft Water Recycling Centre that will have available capacity for these flows

Foul Sewerage Network: The sewerage system at present has available capacity for these flows via a gravity discharge regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Surface Water Disposal: The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable because the surface water hierarchy stipulated in Building Regulations Part H has not been demonstrably followed. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We also recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval: *No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.*

REASON: *To prevent environmental and amenity problems arising from flooding.*

4.10 Essex And Suffolk Water PLC

Do not have any apparatus located in the proposed development. Have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwellings for revenue purposes.

4.11 Suffolk County Council Archaeological Unit

This site lies in an area of archaeological potential for the discovery of below-ground heritage assets of archaeological importance. Groundworks associated with the development have the potential to damage or destroy archaeological remains.

There are no grounds to consider refusal of permission to achieve preservation *in situ* of any important heritage assets. 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.

4.12 Suffolk Fire Service

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B. We require a minimum carrying capacity for hard standing 26 tonnes. Recommend fire hydrants within this development on a suitable route for laying hose. The requirement will be fully determined at the water planning stage.

Consideration should be given for automatic fire sprinkler system.

4.13 Suffolk Wildlife Trust

No comments received

5. PUBLICITY: The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major Application, Adjacent to Listed Building, Departure,	15.06.2018	06.07.2018	Lowestoft Journal
Major Application, Adjacent to Listed Building, Departure,	15.06.2018	06.07.2018	Beccles and Bungay Journal
Major Application, Adjacent to Listed Building,	08.06.2018	28.06.2018	Lowestoft Journal
Major Application, Adjacent to Listed Building,	08.06.2018	28.06.2018	Beccles and Bungay Journal

6 SITE NOTICES

The following site notices have been displayed:

General Site Notice x 3	Reason for site notice: Major Application, Adjacent to Listed building, Departure from Local Plan, Date posted 06.06.2018 Expiry date 27.06.2018
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7 RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
W6791/6	O A Residential development and all ancillary uses on 35.6ha of land (i.e. the whole Parkhill development)	Approved	23.2.1989

8 PLANNING POLICY

8.1 NPPF

8.2 NPPG

8.3 Waveney District Council Local Plan Policies

CS02 High Quality and Sustainable Design (Adopted Core Strategy, January 2009)
CS04 Infrastructure (Adopted Core Strategy, January 2009)
CS11 Housing (Adopted Core Strategy, January 2009)
DM02 Design Principles (Adopted Development Management Policies, January 2011)
DM16 Housing Density (Adopted Development Management Policies, January 2011)
DM17 Housing Type and Mix (Adopted Development Management Policies, January 2011)
DM18 Affordable Housing (Adopted Development Management Policies, January 2011)
DM25 Existing and Proposed Open Space (Adopted Development Management Policies, January 2011)

LOW1 Land south of Parkhill/west of Millennium Way, Oulton (Adopted Site Specific Allocation, January 2011)

9 PLANNING CONSIDERATIONS

Need for the school site and site specific allocation within the Local Development Framework

- 9.1 This proposal departs from the adopted plan in that this land is shown in the proposal map as set aside for a primary school and covered by site specific policy LOW1. Policy CS04 (Infrastructure) states: "Developers must consider the infrastructure requirements needed to support and service the proposed development. They will need to demonstrate, to the satisfaction of the Local Planning Authority or infrastructure provider, that adequate capacity either exists or that provision will be made to meet the necessary infrastructure requirements within an appropriate time scale. Provision might include: education (including early year's provision and community education).
- 9.2 In this instance the school is now unnecessary as a result of provision for 420 places within Woods Meadow now being built out. This will not be fully subscribed on day one, so there is capacity for the wider catchment and current temporary classrooms elsewhere will be able to be taken out of use. This land had been retained by the County Council and this is now released for development, this would not have happened if demand for school places remained unsatisfied.
- 9.3 The principle of using the land for housing is considered established in policy terms: being within the physical limits, the hierarchy set out in policy CS11 being satisfied and the surrounding residential development to the north, south and east of this land.

Design of the estate proposal

- 9.4 Policy DM02 provides guidance on design. While this features generic house types used by this developer, the response to the site is considered to make use of the context and to provide a welcome open space as a designed open break in the street-scene well overlooked by properties with something of a neighbourhood green character. While no equipment is shown, some seating will be welcome, and further details can be conditioned. The provision of underground storage crates has been accepted by the SuDs team. A materials schedule has been provided, but uses generic descriptions so a

condition will be required to be satisfied before elements of the work including those materials need to be built out.

- 9.5 The highway design has been criticised as creating a cycleway that is inconvenient to use. The County Highway engineer has explained the rationale for the choices that they make and given the traffic calmed nature of Fallowfields it is logical that the footway is optimised for pedestrians and prams rather than cycling as this can occur within the vehicular highway.

Density

- 9.6 Policy DM16 density, requires a general density of development across suburban land allocations of around 30 units to the hectare where this figure results in development appropriate for its context. Given that this site is 1.16 hectares including the public open space and delivers 30 units to a pattern that looks appropriate to the vicinity.

Housing Type and Mix

- 9.7 Policy DM17 type and mix asks for a preponderance of smaller property to be delivered across the district over the plan period, and given the affordable housing requirements, monitoring shows that this figure has been delivered to date, so the offer made here is considered to meet the overall aims of the policy. The proposal includes affordable housing to the following provision: 6 x 1 bed Quidenham 2 x 2bed Starston and 3 x 3 bed Saxtead affordable types, and the provision of ten units provides 33% affordable housing which is a slight shortfall on the 35% required by policy DM18
- 9.8 While many of the open market houses are larger four bedroom sized, none the less, as District wide the aims of DM17 on type and mix and DM18 on affordable housing are being delivered and this is an edge of settlement site, larger open market types are considered acceptable and one must have a practical eye on the requirements of the market as only a viable development can deliver affordable homes.

Wildlife and open space

- 9.9 The site is not "Open Space" currently in the sense that it is not designated under Policy DM25, being land set aside for community infrastructure. It is a vacant site rather than something planned as publically accessible open space. As a school, while there would have been open space around it, that space would not have been generally accessible.
- 9.10 The proposal includes an open landscaped area within the housing site, this created as a small village green fronting the highway and well surveilled but also serving to add legibility to the site and wider estate. This accords therefore with the other aim set out in the site specific allocation policy LOW1 where "Part of the site should be retained and managed as a semi-natural area and a management plan agreed for the long term protection of wildlife", this providing landscaping and wildlife enhancement are secured by condition. This too, complies with Policy DM25, in that not all public open space need be publically accessible and can instead offer visual and wildlife amenity. Currently it is not the practice of the Local Authority to adopt these small pocket parks (though it was the case that when the rest of this estate was developed open space was adopted). In this case the space is being used as a site for underground water storage crates for sustainable

drainage and surface water run off mitigation. The applicant intends therefore to fence the land and convey it on a collective basis to the larger dwellings around it for their enjoyment collectively but with responsibility for maintenance. Suggested conditions will allow further agreement for the maintenance of the underground storage as recommended by Suffolk County Council as lead Flood Authority in their response and laid out in full in the recommendation section of this report.

There is concern that the ongoing maintenance of the land above will not however be secured by simply conveying it to residents. It is suggested that a management company or some other appropriate mechanism be set up under the aegis of a Section 106 agreement to achieve a more positive control of outcome. The Supplementary Planning Document for Open Space, read with policy DM25, requires a positive maintenance plan where open space is not adopted.

- 9.11 This site is within the 13 km buffer zone for the Special Protection Area at Covehithe where development can have an impact on wildlife (Little Terns) from recreational activity leading to the Habitat Regulations Assessment review of this by the Local Planning Authority as the “competent” body where Natural England are invited to comment on the HRA and have in this instance confirmed that “Natural England agrees with your conclusion as lead authority, that this proposal is not likely to result in an adverse effect on any Natura 2000 site”. Delegated powers are therefore requested in order to secure appropriate contributions for mitigation.

Provision of a pre-school

- 9.12 Paragraph 11 of the National Planning Policy Framework 2018 requires that “where the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. 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”. Given that LOW1 anticipated the need for an educational facility and the primary school that justified this policy is no longer required, this policy is considered now to carry little weight. The emergent plan requires pre-school space to be provided within the district and this site would be sustainably and suitably located. This requirement arises from Central Government requiring a quantum of free hours of pre-school education be made available to all parents across the country and so is new issue arising, anticipated in emergent policies. The County, who are the education authority, are selling the site and have confirmed they do not require pre-school places here or immediately. This proposal delivers open space, housing and affordable housing, is considered to still weigh sufficiently in the planning balance as to enable the recommendation for approval.

Highways Considerations

- 9.13 This is a traffic calmed area where the claimed maximum speeds that have been quoted in objection letters are within lawful urban speed limits. Traffic calming within the scheme can be provided by condition, though given the geometry, higher speeds are unlikely and speed tables may not be required.

- 9.14 The scale of the proposal is relatively modest in terms of the additional load on the highway network given existing 300 properties served off the junction of the roundabout and Park Meadows, so no assessment has been asked for by the County Council.

Pressure on local services

- 9.15 Many respondents note the pressure on healthcare provision; the proposal however creates properties that contribute via the Community Infrastructure Levy for the provision of the additional capacity requirements generated. Planning applicants cannot however be expected to address wider issues of perceived and pre-existing shortages within proposals.
- 9.16 There was expression of concern that social housing can create localised “problems”. This seems to be a criticism of anticipated tenant behaviour, but cannot carry material weight in planning consideration. That some parts of the Park Meadows development do not feature affordable housing is a reflection of planning policy at the time of building, as some of the estate, pre-dates the policy.
- 9.17 Several writers have described the school site as “open space”, which in layman’s terms it is. It is not open space in the sense of designation within a local plan or assessment as such in the open space needs assessment.

Clearance of the site in advance of application

- 9.18 There has been procedural criticism of land clearance work carried out by the developer. This work did not require a planning application for this ground clearance to occur (It is not defined as “development”). If any protected flora or fauna species were present because this was not a matter covered by planning legislation and any harms would be assessed by the police as the enforcing body for the Wildlife and Countryside Act. It is understood that the police were contacted but no sufficient evidence was provided to allow action by them. As such the allegations made cannot inform the planning determination process. There have been submitted records of flora within the site and within this application the mitigation of impact on these can be requested.
The work was carried out at a time of year outside the breeding season.
- 9.19 The land was not a designated wildlife site, although a survey had been conducted in 2009 to understand the potential impacts on ecology in advance of the allocation of the land for a future school development and the Wildlife Trust, who authored the survey said that the proposal site had the potential to be regarded as a “local nature reserve”, thanks to the presence of orchids. The SWT report identified that as the site was built up on three sides its wildlife corridor value was limited and that there was limited potential for reptiles. Given the subsequent allocation of the land for a school it is clear that the local authority did not consider that the land should be designated as an LNR. The SWT report noted that orchids could not readily be translocated so an area of land should be retained as open. The current proposal does this, though it is not clear that there will remain undisturbed plants in that area, though comments received in objection suggest there are still orchids within the site.
- 9.20 A further desktop survey has been submitted to justify the clearance action, this has been passed to the County Wildlife Trust team, for further comment, as while it cannot provide

confirmation as to whether harms were caused by the clearance work carried out, it might inform recommendations for conditions to secure wildlife enhancement within the build environment now being provided.

- 9.21 The trees / shrubs along boundary of site are all natural regeneration self seeded Sallow and none considered worthy of Tree Preservation Orders and many below the size where such orders are capable of being imposed. The trees remaining around the boundary should be retained as they provide screening. The public opens space should be planted to give good views into the site and incorporate it into the existing estate. A good landscaping scheme is needed to make the most of the public open space.
- 9.22 Residents have complained that they have lived in the area for a long period, by implication that this should serve to prevent development and complained that property values will be affected. Neither proposition carries material planning weight; has a recent incomer had the same right to expect amenity and value shift is theoretic until such time as transaction occurs and as it cannot be established and has not formed part of the planning consideration since the system was established in 1948.

Construction process

- 9.23 Several complaints addressed concerns regarding construction works and their extent and duration. It is considered that fears of a very extensive build out period are misplaced on a smaller thirty dwelling site such as this where typically a build period might be six to nine months rather than the three to six years mentioned in objections. The heavy construction work up to the delivery of secure roofed shells would arguably be quicker. A condition is not considered to pass the necessity test. It is not considered that the hours of arrival of the workforce and delivery hours can be reasonably restricted, given that the public highway of Fallowfields already exists and can be used at any time by anyone. A wheel wash facility is considered as worth conditioning to prevent mud carry over onto the highway.

Conservation

- 9.24 There is a brick wall to the west side of the site that is the boundary to listed property fronting onto Park Hill. As such this wall is "curtilage listed". This is quite high in places and not in the best of order, but it is not within the land constituting this site and as such common law protects it from harm arising from building operations. The layout places only garages in proximity, so potential for harm will be reduced. Only the impact on the setting of the heritage asset needs consideration in planning terms. Given the wall height and the long gardens, the asset is considered only minimally impacted and in accordance with the considerations laid down in paragraph 196 of the 2018 NPPF.

CONCLUSION

- 10.1 Recommend approval in principle with delegated powers returned to officers so that the Habitat Regulations Assessment can be assessed by Natural England and mitigation secured.

RECOMMENDATION

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawings (plot numbers in brackets): job ref 7020, numbers PL01 (1/24), PL02 (2), PL03 (4), PL04A (3/7), PL05A (23), PL06 (5), PL07 (22), PL08A (27/26), PL09 (6), PL10 (8/9), PL11 (20/21), PL12A (18/19), PL13 (10-15 inclusive), PL14 (16/17), PL15 (25/28), PL16 (30/29) all received 25th May 2018 and site layout 7020 SL01C; received 3rd August 2018, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. Samples of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before elements of the development that require those external facings to be incorporated are built. Development shall be carried out in accordance with the approved samples.

Reason: To ensure the satisfactory external appearance of the development.

4. The surface water aspects of the development hereby permitted shall not be constructed in all respects strictly in accordance with the following submitted documents and/or with other information as requested in conditions

1. Rossi Long Consulting, Flood Risk Assessment and Surface Water Drainage Strategy, 181018, June 2018
2. Anglian Water, pre-planning assessment report, 29/06/2018
3. Comments from Emma Kerrison at Rossi Long Consulting dated 04/07/2018 at 10:42

5. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

6. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

7. The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan

9. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

REASON:

To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS 17 of

Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

10. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS 17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

11. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

12. Prior to the occupation of the dwellings hereby permitted full details of the future management and maintenance of the open space shall be submitted to and agreed in writing by the local planning authority. Thereafter the future management and maintenance of the open space shall be undertaken in accordance with the approved details.

Reason: To ensure that a positive mechanism for maintenance of this un-adopted feature have been secured.

Informatives:

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
2. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Waveney District Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made based on the results of the evaluation.

Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

BACKGROUND INFORMATION:

See application ref: DC/18/2231/FUL at www.eastsuffolk.gov.uk/public-access

CONTACT

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