



## Committee Report

**Planning Committee** - 19 December 2019

**Application no** DC/19/3289/OUT

**Location**

Land South of Leisure Way  
Lowestoft  
NR32 4TZ

**Expiry date** 18 November 2019

**Application type** Outline Application

**Applicant** Frostdrive Limited

**Parish** Lowestoft

**Proposal** Outline Application (All Matters Reserved) - Construction of up to 21 dwellings with associated landscaping, open space and ancillary infrastructure and works. Crown reduction to TPO tree (T7).

**Case Officer** Melanie Pieterman  
01502 523023  
Melanie.VandePieterman@eastsuffolk.gov.uk

### 1. Summary

- 1.1. The submitted application seeks outline approval (All Matters Reserved) for the construction of up to 21 dwellings with associated landscaping, open space and ancillary infrastructure and works. It is also proposed within the scope of the application to carry out crown reduction works to a tree subject to a Tree Preservation Order (T7) as shown on the submitted plans and as approved previously.
- 1.2. The application seeks to increase the number of dwellings previously approved under DC/17/1391/OUT from 17 to 21, changing the dwelling types to include smaller units and a reduction in the number of larger units. This increase in small units can be controlled via conditions and a Section 106 agreement to ensure that the reserved matters are in line with any outline consents that may be granted. The Section 106 is currently being drafted and includes affordable housing provisions and contributions towards Habitat Mitigation.
- 1.3. The site is located outside the physical limits boundary for Lowestoft and therefore the proposal is contrary to the spatial strategy policies in the East Suffolk (Waveney) Local Plan

2019. However, the site is considered to be sustainably located as it is close to existing development including Tesco's super store, a Travelodge Hotel, the Potters Kiln restaurant and other residential developments. Further to the approval for residential development noted above, there has also been previous planning permission on the site for a care home and leisure use.

- 1.4. The site subject to this application represents the residual undeveloped plot within an area of recently developed land. Although located outside the physical limits the site does not form part of a wider rural landscape as it is within a predominantly developed urban area of the town.
- 1.5. The application is recommended for approval. Officer consider it to be a sustainable form of development and the increase from 17 to 21 dwellings will not create any significant additional pressures on facilities or the local highway network and will not adversely impact on the adjacent designated wildlife site.

## **2. Site description**

- 2.1. The site is located in north Lowestoft, approximately 2 miles (3.2km) from the town centre, however it is outside defined settlement boundaries. The site lies to the south side of Leisure Way on ground raised up from the existing highway, above a low embankment. The Tesco supermarket is located to the north of Leisure Way opposite the site. To the west of the site, between the site boundary and Foxburrow Hill/Yarmouth Road (A12), is a Travelodge Hotel and the Potter's Kiln Public House, both of which have vehicular access from Leisure Way. To the western side of Foxburrow Hill is an area of modern residential estate housing.
- 2.2. To the east, the site is adjoined by the Gunton Meadows Nature Reserve which includes a large pond close to the eastern boundary of the site. The nature reserve is bisected by a road leading from the roundabout on Leisure Way. This vehicular and pedestrian access, which also serves the adjoining petrol filling station, leads to the eastern boundary of the site and would serve the proposed development.
- 2.3. To the south of the site is a belt of public open space separating the site and the nature reserve from the adjoining residential area along Gainsborough Drive and beyond. Informal pathways through the public open space have been established, linking parts of Leisure Way to the adjacent streets including Degas Gardens and Holbein Way. These provide pedestrian links to the Tesco store to the north and Gunton Primary Academy approximately 400m to the south. There is also a more formal link provided to Gainsborough Drive via a pedestrian/cycle link via Foxburrow Hill to the west.
- 2.4. The total site area comprises approximately 0.8 ha of relatively flat vacant disused land mostly enclosed by fencing. It is the remaining undeveloped plot from a previously consented and extant mixed-use development including a leisure scheme covering the wider area on land south of Leisure Way.
- 2.5. The site is currently overgrown and contains a number of trees protected by a group Tree Preservation Order (TPO) on the western boundary with the Travelodge Hotel. There is also a mature oak tree located within the site which is protected by an individual TPO.

There are less mature trees located along the southern boundary with the public open space, as well as a chain link fence.

### **3. Proposal**

3.1. This application seeks outline consent with all matters reserved for the residential development of up to 21 homes with ancillary infrastructure. An indicative masterplan has been prepared to demonstrate how the site could be developed, although none of these illustrations are fixed. For reference the indicative masterplan comprises:

- 21 residential dwellings;
- An illustrative mix of 2 x 1 bed apartments, 7 x 2-bed houses, 4 x 3-bed houses and 8 x 3/4 bed houses at a density of approximately 26dph;
- Retention of an existing TPO tree (T7) with crown reduction work, located towards the western central part of the site and existing planting on the site boundaries;
- Removal of two trees located towards the western site boundary that form part of a group TPO;
- Provision of informal public open space;
- Provision of drainage infrastructure including an attenuation pond to the north-western part of the site;
- Vehicular access to the existing service road to the east of the site;
- Provision of roads, footpaths, car parking and garages; and
- Provision of footpath links to Leisure Way and the open space to the rear of Gainsborough Drive to the south of the site.

### **4. Consultations/comments**

4.1. One third party letter of objection received outlining concerns over the following issues (comments précised):

- o Effect on wildlife site due to vehicle and domestic fuel emissions.

#### **Consultees**

##### **Lowestoft Town Council**

Consultee	Date consulted	Date reply received
Parish Council	29 August 2019	10 September 2019
Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 10 September 2019. It was agreed to recommend refusal of the application. The Committee were concerned of the close proximity to the County Wildlife Site to the development and the detrimental effect this could bring to this site. The Committee felt the design of the site did not seek to reduce the indirect impact on the wildlife habitats in the vicinity particularly the great crested newts.		

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	4 September 2019

Summary of comments:  
Fire Hydrants are required for this development.

Consultee	Date consulted	Date reply received
Anglian Water	3 September 2019	26 September 2019

Summary of comments:  
No objection subject to conditions.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 August 2019	20 September 2019

Summary of comments:  
Initial objections resolved, conditions to be imposed.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	29 August 2019	18 September 2019

Summary of comments:  
No objection subject to the imposition of conditions.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	29 August 2019	18 September 2019

Summary of comments:  
No objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network for revenue purposes.

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	29 August 2019	10 September 2019

Summary of comments:  
Strongly recommend that an application for Secured by Design (SBD) approval is made for this development.

## Non statutory consultees

Consultee	Date consulted	Date reply received
CIL Team	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	3 September 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	3 September 2019	No response
Summary of comments: Comments included in report.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	3 September 2019	4 September 2019
Summary of comments: Comments received- scheme subject to S.106 Agreement.		

Consultee	Date consulted	Date reply received
Civil Aviation Authority	3 September 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 August 2019	3 September 2019
Summary of comments: Comments included in report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 August 2019	14 October 2019
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Disability Forum	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	29 August 2019	19 September 2019
Summary of comments: Comments included in report.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	29 August 2019	No response

Summary of comments: Comments included in report.
--

## 5. Publicity

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

Category	Published	Expiry	Publication
Major Application	6 September 2019	27 September 2019	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Major Application	6 September 2019	27 September 2019	Lowestoft Journal

## Site notices

General Site Notice	Reason for site notice: Major Application/Departure from local plan Date posted: 3 September 2019 Expiry date: 24 September 2019
---------------------	--

## 6. Planning policy

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019)

## 7. Planning considerations

7.1. The relevant planning history for the site is summarised:

- DC/00/0006/FUL: Mixed use development comprising of a petrol filling station, hotel, leisure building and nature reserve. Approved March 2006.
- DC/09/0612/FUL: Construction of 56no. bed nursing home plus staff and ancillary accommodation. Approved September 2009. Not implemented.

- DC/11/1376/FUL: Construction of 80no. bedroom care home plus staff and ancillary accommodation. Approved March 2012. Not implemented.
- DC/17/1391/OUT Outline Application - Construction of up to 17 dwellings with associated landscaping, open space and ancillary infrastructure and works (including Crown reduction to TPO tree (T7)). Approved November 2017 – EXTANT.

### Planning Policy

- 7.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3. All submitted planning applications will be determined in accordance with the planning policies set out by East Suffolk District Council. The site is situated within the East Suffolk (Waveney) Local Plan area, which was adopted in March 2019, the key planning policies relevant to this application are set out in section 6 of this report.

### Five-year land supply

- 7.4. The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The latest Five-Year Supply was published in August 2019. The Waveney Local Plan area of East Suffolk has a housing land supply of 6.58 years, which is more than the position when the 2017 application was determined.
- 7.5. Officers recognise that the five-year supply is both a rolling figure and is currently 6.58 years; however, housing targets are set at minima and therefore the provision of 21 new homes does carry considerable weight in favour of the development proposal.
- 7.6. The revised National Planning Policy Framework (NPPF) was published in 2019. It sets out the government's planning policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental, and the planning system must perform these three roles.
- 7.7. To achieve these core objectives, the NPPF states that the planning system should ensure that sufficient land and infrastructure is available to support growth, vibrant and healthy communities. The natural environment should be enhanced by making efficient use of land and moving towards a low carbon economy (Paragraph 8).
- 7.8. The NPPF also explains that the basis for every plan and decision is a presumption in favour of sustainable development (Paragraph 10). For decision taking this means, approving development proposals that accord with an up to date development plan without delay (Paragraph 11).



- 7.9. Local Plan Policy WLP1.1 sets the spatial strategy for the District with Lowestoft providing 56% of housing growth. Whilst this proposal is a relatively modest scale of development, it will add to the housing stock within the town and allow for affordable housing to be generated in this popular area of the town.
- 7.10. Policy WLP1.2 considers settlement boundaries which states that land outside of these boundaries is considered as open countryside and that new residential development will not be permitted in the countryside except where specific policies within the local plan indicate otherwise. However, this land is not truly open countryside given its location with other forms of buildings, its proximity to residential properties and its sustainable location close to public and private access routes and facilities such as Tesco directly opposite the site. Furthermore, the principle of development on the site has already been established via previous permissions. In this instance, it is considered that there is sufficient justification to allow development on this particular site as a departure from WLP1.2.
- 7.11. Policy WLP8.1 relates to housing mix and states that at least 35% of dwellings on new residential developments should be 1-2 bedroom properties. The scheme offers a mix as follows: 2 x 1 bed apartments, 7 x 2 bed houses, 4 x 3 bed houses and 8 x 3/4 bed. The provision of 9 dwellings exceeds the 35% requirement by 1.65 dwellings and therefore the scheme is considered policy compliant.
- 7.12. Further to the above is policy WLP8.2, which relates to affordable housing provision with all new housing development of over 11 dwellings in Lowestoft providing 20% affordable properties. 20% on this site would equate to 4.2, and again there are a higher number of affordable dwellings proposed compared to the extant 2017 permission. The provision of four affordable dwellings can be secured in a S106 Agreement if consent is granted. The provision of affordable housing on the site is considered to be a significant benefit.
- 7.13. Local Plan Policy WLP8.29 relates to high quality design; WLP8.30 seeks to demonstrate that the design is inclusive of all ages and abilities; WLP8.31 relates to lifetime design and that development supports the needs of older people through the creation of an appropriate development; and WLP8.32 relates to housing density and design and that development makes the best use of the site in a manner that protects or enhances the distinctiveness and character of the area, the surrounding physical environment of the site, and its surroundings.
- 7.14. The policies noted above list various criteria which requires proposals to consider a high quality and sustainable design that positively improves the character, appearance and environmental quality of an area and the way it functions. Whilst this is an outline planning application with the detailed design of the scheme to be submitted at a later stage, the proposed development is considered to accord with these policies as it includes public spaces to encourage social interaction with neighbours, the site is closely located to existing services and facilities such as Gunton Meadows Primary Academy and Tesco Supermarket encouraging a healthy lifestyle through walking and cycling, with the provision of new pedestrian linkages, the site is well located to an existing bus network on Leisure Way offering frequent services, and finally the scheme has been designed to conserve and enhance biodiversity with a green wildlife corridor provided to the north of the site and further public open space to west, that will also improve movement of great crested newts through the site to the nature reserve to the east

- 7.15. The final policy which requires consideration is that of policy WLP8.34 which relates to biodiversity and geodiversity and that development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contribute to biodiversity through the creation of new green infrastructure and improved linkages between habitats. As will be noted further on in this report, the Council's Ecologist has considered the submitted details and subject to the mitigation measures being carried out, there are no issues arising from this development. Furthermore, the requirement for the per-dwelling financial contribution to the Suffolk Recreation Avoidance Mitigation Strategy is to be included within the S.106 Agreement to mitigate impact on European sites within the District.

#### Principle of development

- 7.16. The principle of residential development on the site has been established through the granting of outline planning permission ref. DC/17/1391/OUT which is extant and represents the fall-back position. The suitability of the site specifically for development has also been recognised through older, previous planning permissions for a residential care home (DC/09/0612/FUL and DC/11/1376/FUL).
- 7.17. The site is considered to be sustainably located given its very close proximity to the Travelodge Hotel, Potters Kiln Public House and the Tesco superstore. The site is therefore well located in relation to shops, services and community facilities. It is also well linked to transportation infrastructure, including close proximity to bus stops served by regular high frequency services to the town centre and other locations, along with good pedestrian and cycleway linkages to more locally based facilities.
- 7.18. The site is located outside the physical limits boundary for Lowestoft and as such is considered to be "open countryside" for the purposes of planning policy, where there is a presumption against new residential development. However, consideration must be given to the previous planning permissions; the sustainable location; the siting within an area of existing development; and the close proximity to the built-up area of the town and that these factors combine to support the principle of development.

#### Scale and layout

- 7.19. Care needs to be given to the scale of the proposed development given that the site rises up from the south to north and is noticeably elevated above the level of Leisure Way to the west. 21 residential properties would create a density of approximately 26dph and there would be a mix of 2 x 1 bed apartments, 7 x 2 bed houses, 4 x 3 bed houses and 8 x 3/4 bed houses.
- 7.20. However, it is important to consider the previously approved 80 bed care home on the site was 2.5 storeys in height with an overall height of approximately 10m. Nevertheless, it was set into the sloping land such that its ridge height was 150mm below the height of the previously approved 56 bed care home on the site (height approx. 9.6m). Taken in context with the scale of the proposed dwellings as envisaged in the masterplan which indicates a mix of two and three storey units set well back from the western boundary, the set-back will help reduce the prominence of any dwellings in this location which could be softened

by landscaping including tree planting. However, to ensure that dwellings are not unduly prominent in the newly created street scene it is considered that their overall height should not exceed 2.5 storeys. This can be controlled by condition should consent be granted.

- 7.21. The agent has confirmed that buildings in the southern part of the site are envisaged as two storeys or less. Although the prevailing scale of existing development to the south of the site (along Gainsborough Drive) is single storey, the buffer of public open space buffer will ensure there is no adverse impact on these properties.
- 7.22. The layout of the proposed development, as illustrated on the indicative masterplan, has been arranged so as to relate to the existing vehicular access position, existing TPO trees, the adjacent public open space and nature reserve. The layout is also influenced by a gas main which runs north-south across the western part of the site which was considered during the 2017 application. The proposed illustrative layout continues the existing access roadway to provide an L-shaped cul-de-sac with houses grouped around it. The indicative layout shows that up to 21 dwelling can be satisfactorily accommodated on the site whilst providing sufficient private and shared outdoor amenity space and parking space. Although this is an outline application the indicative layout is generally considered to be acceptable and demonstrates compliance with WLP8.29.

#### Open Space and Recreation

- 7.23. Open space on the site will be provided in a mix of private, communal and public spaces. There is also an area of informal open space proposed to the west of the site where the existing trees and proposed attenuation pond are to be located and to the north of the site between the proposed terrace of dwellings and Leisure Way. It is intended that the informal open space would create a pleasant grassed area containing a footpath link between the development and Leisure Way to the north and the wider area of public open space to the south.

#### Drainage and Flood Risk

- 7.24. The site is located in flood zone 1 where there is a low risk of flooding and comprises less than 1 hectare in area. Therefore, it is not necessary for a Flood Risk Assessment to be undertaken for the site. Suffolk County Council Flood Officers have not objected on flood grounds but have requested conditions be attached to any grant of planning permission.
- 7.25. The submitted Foul and Surface Water Drainage Strategy demonstrates how the layout shown on the illustrative masterplan can be satisfactorily achieved with adequate drainage provided, also ensuring that flood risk to surrounding areas is not increased.
- 7.26. The drainage report demonstrates that there is capacity in the local network for foul flows and a suitable connection point has been identified to serve the development.
- 7.27. In relation to surface water, the drainage report shows that infiltration forms of SuDS are not viable and cannot be used appropriately as part of the scheme. However, development of the Travelodge to the west of the site left an allowance for surface water to discharge into the sewers from the development of this site and the drainage report explains how the site can be drained by gravity to an existing manhole at a limited discharge rate. An

attenuation pond is proposed as part of the scheme to store surface water as required, also allowing for a suitable discharge rate to the sewer to be controlled as part of the overall drainage strategy. The drainage strategy includes sufficient sustainable drainage systems to ensure that there are no significant changes in surface water runoff from the redeveloped site compared with the existing greenfield situation.

- 7.28. The foul and surface water drainage proposals address the drainage considerations associated with the proposed development of the site and can be controlled by a planning condition as part of any subsequent reserved matters applications.

#### Noise

- 7.29. The applicant has submitted an acoustic assessment which was produced following a request from the Council's Environmental Health Officer in respect of the previous planning application to consider possible acoustic disturbance to the proposed development from the Tesco supermarket to the north and the petrol filling station to the east of the site. A noise survey was undertaken in February 2017 to support the development (DC/17/1391/OUT). The report identified that some acoustic mitigation is required, and the councils Environmental Protection Officer has advised that this should be secured using appropriately worded conditions.
- 7.30. This assessment found the existing noise climate to be largely dominated by road traffic. Noise from the Tesco supermarket and petrol filling station was only just audible in breaks in the traffic. The report (dated March 2017) concluded that the site was a suitable environment for housing and appropriate noise mitigation measures, as required by the Environmental Protection Officer, can be incorporated into the scheme at the detailed design stage. The increase in units from 17 to 21 is not likely to generate significant additional noise.

#### Ecology

- 7.31. There is a history of Great Crested Newt (GCN) presence on the site and newts are present within the pond located to the east. The application is supported by up to date ecological survey work. An updated preliminary ecological appraisal was carried out on the site, which has identified mitigation measures and the habitat survey concluded that the site is of limited nature conservation value and no significant ecological constraints were identified that would adversely affect the overall development of the site.
- 7.32. The GCN Assessment found there to be only small numbers of GCNs present on the site and in the adjoining pond. In summary, the report concludes that a mitigation licence will be required to capture and relocate any newts found on the site which can be controlled via planning condition. The council's ecologist has concurred with the findings and has recommended conditions be applied. The ecologist noted that to avoid impacts on the CWS a greater landscape buffer needs to be achieved along the eastern side of the development. However, this may be able to be achieved as part of the detailed design of the proposal. Detailed design should also include measures to secure Biodiversity Net Gain on the site. The proposal accords with policy WLP8.34 (Biodiversity and Geodiversity).

### Trees and Landscaping

- 7.33. There are several trees concentrated in the western part of the site which are protected by Tree Preservation Order (TPO). The approved planning permission for leisure use on the site (DC/00/0006/FUL) includes consent for various TPO trees to be removed.
- 7.34. To facilitate the proposed drainage strategy for the site it is necessary to remove a protected Ash tree and it will also be necessary to remove a further protected tree, however this tree is dead. Two other trees are proposed to be removed under the previous planning permission.
- 7.35. An oak tree which previously was proposed to be removed will be retained in this scheme, but its height reduced to reduce wind loading and to achieve a balanced appearance. The proposed scheme provides new tree planting opportunities which can be secured by condition should consent be granted. As will be noted above the Arboricultural and Landscape Officer agrees with the tree survey and tree protection plan, although this does need to be updated, and agreed it does not raise any significant concerns.

### Affordable Housing

- 7.36. As noted earlier in this report, the proposal includes the provision of four affordable homes and the application is subject to a S.106 Agreement. The level of affordable housing is acceptable and compliant with the requirements of the Local Plan.

### Community Infrastructure Levy and Planning Obligations

- 7.37. The Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on 1st August 2013. This was updated in 2019 and CIL is required to be paid on all qualifying developments. The site is located within Zone 3 (Lowestoft) where the CIL rate is £84.91sqm for residential developments, subject to index linking.

### Economic Development

- 7.38. This housing proposal will bring short term benefits by virtue of construction jobs, and workers spending in the locality and in the longer term there will be economic benefits to the town with local spend in the economy. The provision of dwellings near to the town centre will potentially boost the vitality and viability of that area through resident's support for local shops and services.

### Highways

- 7.39. With regards to highways matters there have been some issues with County Highways and discussions regarding the red line and the increase of units and the resultant impact this will have on the surrounding highway network. However, it should be remembered that this application is in outline with all matters (including access) reserved for future determination. The initial concerns from Highways Authority have been addressed and they recommend conditions.

## 8. Conclusion

- 8.1. The proposal is in conflict with the Development Plan insofar as the site is located outside the physical limits' boundary for Lowestoft. In addition, the Council can also demonstrate a five-year housing land supply; however, it is considered that the provision of housing (including affordable housing) to be delivered on this site in a sustainable location weighs in favour of the application.
- 8.2. Furthermore, the fact that the site benefits from previous permissions for leisure use, and a care home, and most notably the extant outline consent for 17 dwellings are considered to be significant material considerations that weigh in favour of the proposal. The site is also located within an area of existing development and it is in very close proximity to the built-up area of the northern part of the town. Officers suggest, therefore, that it is difficult to argue that the site forms part of the wider open landscape, but it is actually a constrained site with development surrounding it and these are factors which also weigh in favour of the proposal. Consequently, giving consideration to the planning balance it is judged that these material considerations outweigh the conflict with the development plan.
- 8.3. The proposed development reflects the presumption in favour of sustainable development contained within the NPPF and provides for planning benefits across all three elements of sustainable development: economic, social and environmental, as summarised below.
  - Economic gains: enhances the vitality and viability of the area; creation of temporary jobs in relation to the construction and management of the development.
  - Social gains: provision of a mix of dwelling houses that responds to local market demand and the needs of local people, including affordable housing; the proximity of the site to existing facilities and services within the immediate vicinity of the site and within the wider town of Lowestoft.
  - Environmental gains: landscaping throughout the site resulting in net gains for biodiversity including great crested newts; the location of the site encourages sustainable modes of travel; provision of informal public open space on the site that will benefit existing and new residents; improved pedestrian accessibility for existing residents to the south of the site in the Gainsborough Drive area to the services to the north of the site.
- 8.4. It is considered that the principle of allowing residential development in this location is established by the extant residential planning permission for 17 dwellings in 2017. It has been demonstrated to officer satisfaction that the current scheme which proposes four additional homes is sustainable and meets the requirements of local and national planning policy as noted in the report above.
- 8.5. Although contrary to spatial strategy policies, in this case it is considered there is sufficient justification to depart from policy to deliver a sustainable form of development. As a result, the application is recommended for approval, subject to the completion of a section 106 Agreement and with any permission subject to conditions.

## 9. Recommendation

- 9.1. AUTHORITY TO APPROVE subject to the completion of a section 106 agreement covering affordable housing, habitat mitigation and management of the open space; and the recommended conditions noted below:

## 10. Conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then  
  
b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990.

2. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), and measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

3. Concurrent with the first reserved matters access application details of a scheme to improve the existing pedestrian only public highway footway on the south side of Leisure Way to create a new shared use cycle track linking the development to the existing cycle track network currently terminating at the Toucan crossing adjacent the Potters Kiln Public House shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be laid out and constructed in its entirety prior to occupation of any dwelling.

Reason: In the interests of highway safety and to encourage the sustainable transport benefits of cycling as per National and Local Planning Policies including Waveney Local Plan Policy WLP8.21 and the Waveney Cycle Strategy

4. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

5. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

6. Before the first occupation of the development details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

7. Before the development is commenced details of the areas to be provided for the [loading, unloading,] manoeuvring and parking of vehicles including electric vehicle charging points, powered two vehicle provision and secure covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of highway safety and to encourage the use of sustainable transport. To ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking where on-street parking and manoeuvring could be detrimental to highway safety

8. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be in accordance with the approved FRA and include:

- a) Dimensioned plans and drawings of the surface water drainage scheme;
- b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g) Details of 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:



h) Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: -

1. Temporary drainage systems
2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
3. Measures for managing any on or offsite flood risk associated with construction
- h. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

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

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

10. Prior to the commencement of development (including site clearance) a Natural England licence and mitigation strategy plan for the protection of great crested newts shall be agreed by Natural England. The strategy should identify likely impacts on great crested newts and fully describe measures to mitigate for any impacts, followed by translocation of any newts found within the area. The mitigation strategy shall be completed in accordance with the approved specifications at such times as may be specified in the approved scheme.

Reason: To provide appropriate mitigation measures to minimise the impact on Great Crested Newts.

11. Prior to the commencement of development the recommendations made within the Amphibian and Habitat Survey (Phase 1 August 2019) shall be implemented in full.

Reason: To ensure the provision of ecological enhancements.

12. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a report detailing proposed noise control measures is submitted to, and

approved in writing by, the local planning authority. The report must propose, on a plot by plot basis, the exact noise control measures which are to be installed in accordance with section 4 of the submitted Sharps Redmore acoustic assessment.

Reason: To ensure the development is suitably sound proofed with appropriate noise control measures

13. A validation report, demonstrating and evidencing the effective installation of the noise control measures approved under condition 13, must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development.

Reason: To ensure the development is suitably sound proofed with appropriate noise control measures

14. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:

- proposed hours of work
  - proposed piling methods
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding and acoustic screens
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for the recycling/disposing of waste resulting from construction works
- The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of amenity and to ensure a safe development.

15. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

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

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

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- explanation and justification for the analytical strategy;

- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. Prior to any occupation or use of the approved development the RMS approved under condition 17 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that the RMS approved under condition 2 has been carried out competently, effectively and in its entirety; and

- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Informatives:**

##### **1. HIGHWAY WORKS: SECTION 278 AGREEMENT**

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the

specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

#### ADOPTION OF STREETS: SECTION 38 AGREEMENT AND APC

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads. For further information please visit:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

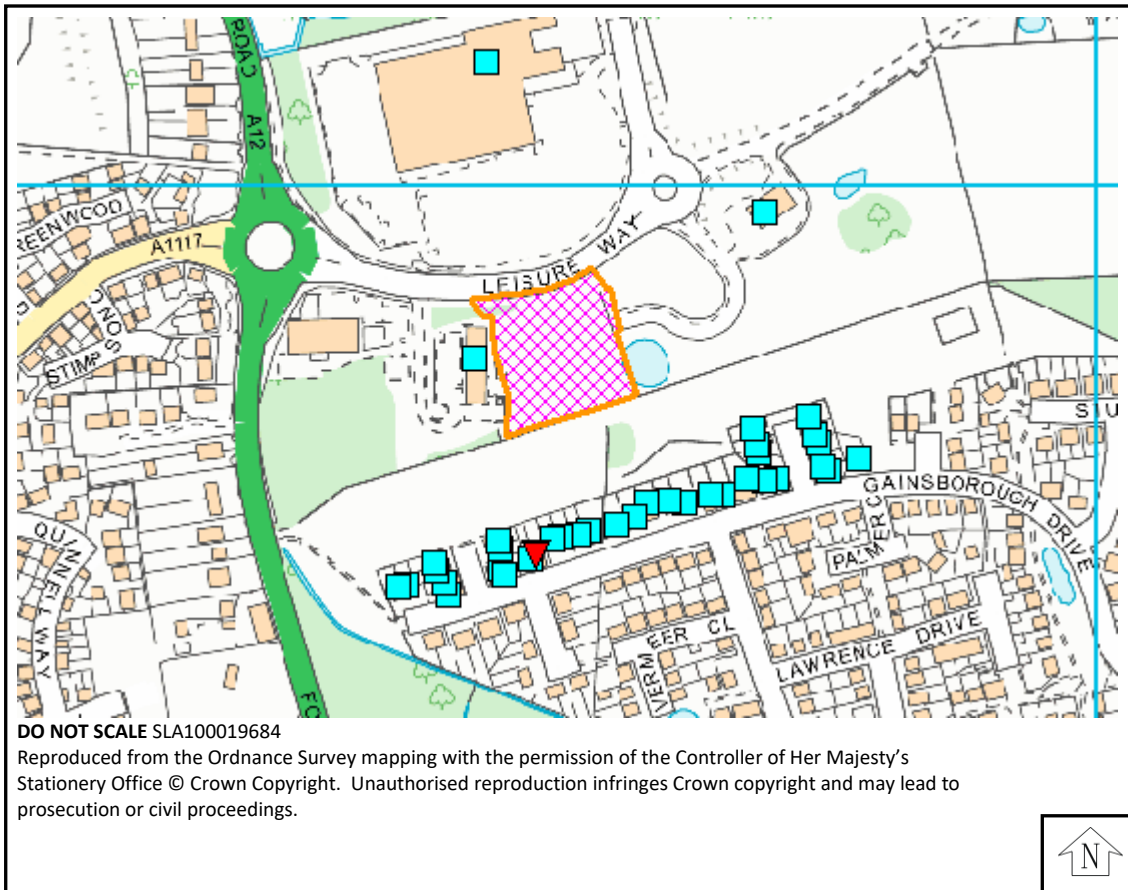
Please note that this development may be subject to the Advance Payment Code.

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





#### **Background information**

See application reference DC/19/3289/OUT at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWJITKQXM0K00>

## Map



## Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support