



Committee Report

Planning Committee - 19 May 2020

Application no. DC/18/5082/FUL

Location

Part Land East Of Dukes Farm
St Johns Hill
Bungay
Suffolk

Expiry date 4 February 2019 (Extension of time agreed until 30 June 2020)

Application type Full Application

Applicant Cripps Developments Ltd

Parish Bungay

Proposal Surface water storage basin

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1. Summary

- 1.1 The application seeks full planning permission for an attenuation basin which forms part of the drainage strategy for a development of 150 residential dwellings which was granted outline planning permission within Ref: DC/14/4193/OUT; detailed proposals for the design of this development are being considered alongside this proposal within reserved matters application Ref: DC/18/4429/ARM.
- 1.2 Within these associated applications an 'option 1' proposal for an attenuation basin has been approved in outline form. The purpose of this application is to provide a second option for the location of the attenuation basin.
- 1.3 The infiltration drainage potential on the main development site is limited, therefore this attenuation pond forms a critical part of the overall drainage strategy for this development. In accordance with the surface water disposal hierarchy, water will be directed to the Tin River. Surface water will be managed using a combination of large diameter pipes, permeable pavements and the proposed attenuation basin.

- 1.4 This application is before the Planning Committee as it was deferred from both the Planning Advisory Panel meeting on 21 April 2020 and, prior to that, the Planning Committee on 11 February 2020 due to the deferrals of the accompanying application DC/18/4429/ARM.

Case for Development

- 1.5 It is considered that the 'option 2' location for the attenuation basin shown within this application has been well designed and is acceptable as part of the overall drainage strategy associated with the residential development of 150 houses located on land surrounding Waveney swimming pool. With suitable landscaping the basin will assimilate into the surrounding landscape, whilst providing biodiversity benefits. The proposal accords with the East Suffolk Council (Waveney) Local Plan 2019 (The Local Plan) and is recommended for approval.

2. Site description

- 2.1 The site is situated on the Southern side of Bungay on the Eastern side of the A144. This area is currently in use as arable farmland; the location for the attenuation pond is proposed within the corner of the field adjacent to the Southern field boundary and the Tin River.
- 2.2 The landscape is not of any specific designation; within the Waveney District - Landscape Character Assessment (April 2008) this area is described as 'Mid Waveney Tributary Valley Farmland' which lies along the southern edge of the Waveney River Valley between the settlements of Bungay and Beccles. The character area is defined by the 15-20m AOD contour to the valley edge and by the 30-35m AOD contour at the transition with the adjacent plateau. The landform of the area is cut by tributaries draining into the River Waveney. It forms part of the landscape setting of the Broads abutting the Broads Authority boundary along much of its length.

3. Proposal

- 3.1 The proposal is for the siting of an attenuation basin which forms part of the drainage strategy in relation to residential development on Land Surrounding Waveney Valley Swimming Pool shown within applications DC/14/4193/OUT and DC/18/4429/ARM.
- 3.2 The attenuation basin will measure approximately 70m x 50m in size, situated 250m to the South West of the residential development site on the opposite side of St. Johns Road positioned adjacent to the watercourse.

4. Consultations/comments

- 4.1 No third-party representations received.

Consultees
Town Council

Consultee	Date consulted	Date reply received
Bungay Town Council	17 December 2018	4 January 2019

Summary of comments:

It was proposed by DO, seconded by ML and unanimously RESOLVED to recommend refusal of these plans with the following comments:

This application relates to the surface water drainage plan for the development of 150 houses to the west of St Johns road, expressed through (a) the recently discussed development DC/18/4429/ARM that was not recommended for approval by the last Bungay Town Council Planning Committee meeting (b) the preceding outline planning application DC/14/4193/OUT, and (c) Planning Policy 5.2 under the final Waveney Local Plan 2018. The present application is therefore for a surface water drainage system for a development that has yet to be approved and may be significantly modified prior to approval by WDC, due to the wide range of concerns expressed by statutory consultees.

The proposed attenuation pond has been moved from its original location to a new site to the south east of Dukes Farm - no explanation is provided for the change in location. The revised location is a receiving basin for dual flows: - (a) from the original drainage point on the right-hand side of the swimming pool/sports centre. (b) a second discharge point to the south of the sports centre draining the area that is currently for sale as commercial land – in the absence of specific plans for the commercial site it is unclear how the drainage capacity requirement has been determined.

The calculation of surface flow and impermeable area appears to be based on the FRA prepared by Bidwells for the previous application DC/14/4193/OUT and a different layout and hard surface area for the development to the west of St Johns Road. Essentially this attenuation basin provides for assumed surface flows from the development of 150 houses as per the original outline application. It takes no account of future flows from the 400 houses proposed for this site under the Waveney Local Plan, or how the incremental flows arising from the full-scale development under Planning policy 5.2 may be accommodated through expansion of the attenuation capacity - it should be noted that the developed area will expand from circa 9Ha to 21 Ha. This has bearing on future land use adjacent to the Tin River that will become the receiving environment for all surface water flows from development under PP5.2 (Local Plan 2018).

It is worth noting that there has been no community consultation or contact with the Bungay Town Council regarding the current proposal(s) in conflict with the recommendations of the Waveney Local Plan modifications and Annex – Policy 5.2 (Examiner - 21 November 2018) In relation to the above we take specific note of the requirement by the Inspector (Local Plan Examination) under policy 5.2 that ‘ A detailed masterplan informed by on-going engagement with the community should be prepared and submitted as part of any full or outline planning application’.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	17 December 2018	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	N/A	11 January 2019
Summary of comments: No objection subject to standard Archaeological conditions requiring implementation of a programme of archaeological work and post investigation assessment.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	17 December 2018	27 December 2018
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	17 December 2018	18 December 2018
Summary of comments: Holding objection due to insufficient information.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	9 December 2019	23 December 2019
Summary of comments: Approval of this application is recommended subject to conditions requiring the implementation of the strategy for the disposal of surface water submitted within the FRA Details of all Sustainable Drainage System components and piped networks and details of a Construction Surface Water Management Plan (CSWMP).		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	N/A	22 November 2019
Summary of comments: Internal - Comments incorporated within report.		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 27 December 2018

Expiry date: 18 January 2019

6. Planning policy

6.1 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, then determination shall be made in accordance with the plan unless material considerations indicates otherwise.

6.2 The East Suffolk Council - Waveney Local Plan (The Local Plan) was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP8.24 – “Flood Risk”
- WLP8.34 – “Biodiversity and Geodiversity”
- WLP8.35 – “Landscape Character”
- WLP8.40 – “Archaeology”

6.3 The National Planning Policy Framework (NPPF) (2019) and National Planning Policy Guidance (NPPG) are also material considerations

7. Planning considerations

Background

7.1 Planning permission for development on land surrounding Waveney swimming pool was granted within Ref: DC/14/4193/OUT - *Outline Application with all matters reserved apart from access for up to 150 new dwellings (including affordable housing), associated infrastructure, open space and up to 3ha of employment land (comprising uses within use class B1 (including starter units) and use class B2).*

7.2 Within the outline application an attenuation pond (option 1) was proposed to be sited in a North Westerly position to that shown within this application as part of the drainage strategy for this site.

- 7.3 The Surface Water Drainage Strategy is essentially as that approved at the Outline stage, with surface water having a restricted discharge to the nearby watercourse (known as Tin River), with the provision of surface water storage both on the development site and off site.
- 7.4 Due to external factors it was necessary to prepare a second option for the location of the attenuation basin. The attenuation basin (option 2) shown within this application is proposed outside of the application site for the outline permission; therefore, this amended position for the attenuation basin could not form part of the reserved matters application (Ref: DC/18/4429/ARM), and has therefore been submitted as a separate application.
- 7.5 The purpose of this application is to provide a second option for the location of the attenuation basin which forms part of the drainage strategy for the residential development on the land surrounding Waveney Swimming Pool.

Flooding/Drainage Strategy

- 7.6 The application site for the residential development shown within applications DC/14/4193/OUT and DC/18/4429/ARM is situated within Flood Zone 1 and is at a low risk of flooding. Paragraph 163 of The NPPF and Policy WLP8.24 - Flood Risk of the Local Plan requires that developments use sustainable drainage systems to drain surface water.
- 7.7 The Flood Risk Assessment (FRA) - (Basin Option 2) provided by ASD Consultants includes the following information:
- An assessment of the practical use of sustainable drainage (SuDS) strategy measures,
 - Determines the existing surface water drainage across the site using appropriate methods,
 - Develops a post-development drainage strategy for foul drainage and surface water across the site,
 - Assesses the flood risk to the site during return period events up to the climate change enhanced 1 in 100-year storm event and recommend mitigation measures accordingly,
 - Appraisal of flood risk from any other sources such as groundwater as required by NPPF; and
 - Report findings and recommendations.
- 7.8 Initially Suffolk County Council Flood Authority lodged a holding objection to this application; whilst the design of the attenuation pond was 'very good' the potential of infiltration on the actual development site had not been adequately considered. The potential for infiltration was identified in the southern part of the site within the outline application and there was no evidence of further onsite testing to assess this potential.
- 7.9 A revision to this addendum has since been submitted following further site investigation where nine additional window samples were bored across the Southern part of the site. The site investigation revealed that the suitable strata available for a Sustainable Drainage Systems (SUDs) solution was difficult to define and while some infiltration drainage potential is present in parts of the site, it is not suitable for large scale SUDs features.

- 7.10 The use of Sustainable urban Drainage Systems (SUDs) are encouraged in all new developments, the use of appropriate source control techniques is important as this allows for the containment of the surface water collected on the site. SUDs, as a sustainable development approach to Surface Water Design Techniques, has the aim of balancing the following: to manage water run-off from developed areas to similar quantities prior to development (Source Control), reduce and avoid incidences of downstream flooding, to protect or enhance water quality of the run-off and to improve or enhance the amenity where possible.
- 7.11 Soakaways, using cellular crates, are unlikely to work on the site because of poor infiltration rates close to the surface. Therefore, in accordance with the surface water disposal hierarchy, water will be directed to the Tin River. Surface water will be managed using a combination of large diameter pipes, permeable pavements and the proposed attenuation basin.
- 7.12 Water unable to enter the piped system during rainfall events in excess of the 1 in 100 year return period will be managed using a variety of techniques. This will include infiltration in garden areas, temporary storage in the highway, parking areas and routing through the development to the North East corner of the site. The site levels will be designed so no significant volume of run-off leaves the site.
- 7.13 The Town Council are concerned that this strategy does not consider development on the employment land or residential development on the remaining area within allocation WLP5.2. This cannot be considered as part of this application given the layout and use of the site is unknown at this stage. When applications for that area come forward, they too will need to demonstrate appropriate drainage solutions.
- 7.14 The amended strategy has been assessed by SCC Flood Authority; confirmation has been received that the drainage strategy provided for the site is acceptable and approval is recommended subject to conditions to ensure that the strategy is implemented and maintained. The proposal therefore accords with the requirements of Policy WLP8.24 – “Flood Risk”.

Archaeology

- 7.15 This site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity to the cropmark of a ring ditch, likely to present the remains of a prehistoric burial mound (BUN 024). Large multi-period finds scatters have also been recorded in the immediate vicinity (BUN 113) and Anglo-Saxon burials have been located to the north (BUN 003). The position of the attenuation basin to a water course also means that is situated in a topographically favourable position for archaeological remains from all periods. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the construction of the attenuation basin and its associated infrastructure have the potential to damage or destroy any archaeological remains which exist.
- 7.16 There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199) and Local Plan Policy WLP8.40 - "Archaeology", 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.

Ecology

- 7.17 The design of the proposal will provide a biodiversity benefit through the provision of permanent open water and marginal vegetation and therefore accords with the requirements of policies Policy WLP8.34 - "Biodiversity and Geodiversity" and WLP8.24 - "Flood Risk".

Landscape Impact

- 7.18 Policy WLP8.35 - "Landscape Character" requires that development is sympathetic to the distinctive character areas, strategic objectives and considerations identified in the Waveney District Landscape Character Assessment (2008). In this case it is considered that the proposal would not harm the character of this tributary valley farmland area and would sit comfortably in the corner of the field. A landscape planting condition will be required to ensure that suitable planting is carried out. The proposal accords with WLP8.35.

8. Conclusion

- 8.1 It is considered that the 'option 2' location for the attenuation basin shown within this application has been well designed and is acceptable as part of the overall drainage strategy associated with the residential development of 150 houses located on land surrounding Waveney swimming pool.
- 8.2 It would have an acceptable visual appearance within the surrounding landscape and would provide biodiversity benefits through the provision of permanent open water and marginal vegetation.
- 8.3 Therefore, the proposal is considered to represent an acceptable form of development and officers recommend that planning permission be granted.

9. Recommendation

That planning permission be APPROVED subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site location plan Ref: 1353/LOC/001 received 21 December 2018, and Attenuation Basin Outfall Option 2 Ref: 1353/DRA/106 Rev B received 10 December 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated December 2019, ref: 1353/JSH/FRAA-Option2/02-19 Rev A) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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

4. The infrastructure hereby permitted shall not be used until details of all Sustainable 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 that the Sustainable Drainage System has been implemented as permitted and that 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 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

5. 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:
 - a. 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 or groundwater

6. 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 WLP40 "Archaeology" of Waveney Local Plan Area of the East Suffolk Council (Adopted March 2019) and the National Planning Policy Framework (2019).

- 7. The attenuation pond shall not be brought into use 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 6 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 WLP40 "Archaeology" of Waveney Local Plan Area of the East Suffolk Council (Adopted March 2019) and the National Planning Policy Framework (2019).

- 8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

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

- 9. The landscaping scheme shall be completed prior to the attenuation pond being brought into use, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: To ensure the satisfactory appearance within the landscaping and to provide optimal biodiversity benefit.

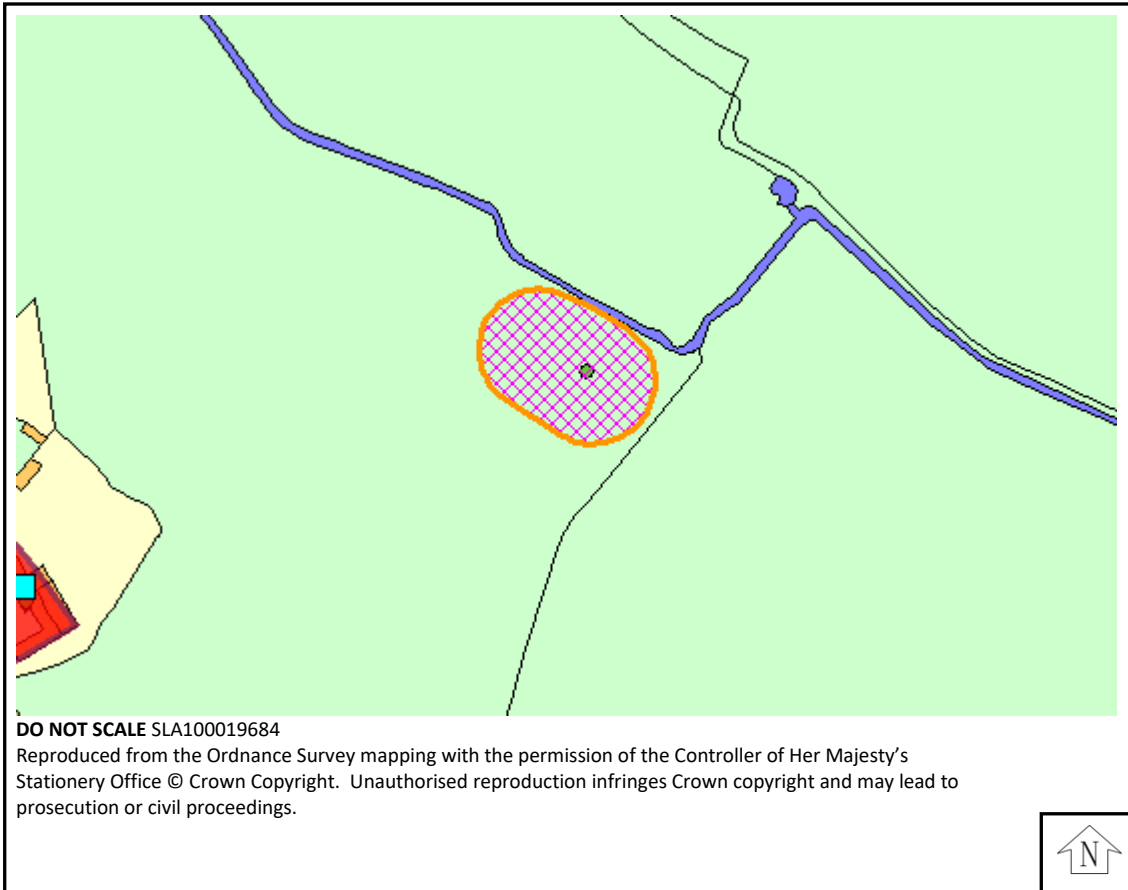
Informatives:

1.
 - Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
 - Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
 - Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment is subject to payment of a surface water developer contribution
 - Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991
 - Any works to a main river may require an environmental permit





Background information

See application reference DC/18/5082/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJKM93QXG0S00>

Map



Key

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