

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda														
Date:	Thursday 6 August 2015														
Time:	10.00 am														
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU														
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice-Chairman Tim Marks and Angela Rushen</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Carol Bull</td> <td style="width: 33%;">Ivor Mclatchy</td> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> </tr> <tr> <td>Paula Fox</td> <td>David Roach</td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> </tr> <tr> <td>Ian Houlder</td> <td>Patricia Warby</td> </tr> </table> <p><u>UKIP Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Tony Brown</td> <td style="width: 33%;">John Burns</td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Julia Wakelam</td> <td style="width: 33%;"></td> </tr> </table>	Carol Bull	Ivor Mclatchy	Robert Everitt	Alaric Pugh	Paula Fox	David Roach	Susan Glossop	Peter Stevens	Ian Houlder	Patricia Warby	Tony Brown	John Burns	Julia Wakelam	
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Substitutes:	<p><u>Conservative Members (6)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Terry Buckle</td> <td style="width: 33%;">Betty Mclatchy</td> </tr> <tr> <td>Terry Clements</td> <td>Frank Warby</td> </tr> <tr> <td>John Griffiths</td> <td></td> </tr> </table> <p><u>UKIP Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Jason Crooks</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Nettleton</td> <td style="width: 33%;"></td> </tr> </table>	Terry Buckle	Betty Mclatchy	Terry Clements	Frank Warby	John Griffiths		Jason Crooks		David Nettleton					
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<p>A Site Visit will be held on Thursday 30 July at 9.45am in respect of Planning Application DC/13/0906 Station Hill, Bury St Edmunds. No coach has been arranged. Members requiring a lift please meet at West Suffolk House for 9.30am</p>															

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to
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	discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Six Members
Committee administrator:	David Long Committee Administrator & SEBC Scrutiny Support Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk

Agenda

Procedural Matters

Page No

1. Apologies for Absence

2. Substitutes

Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

3. Minutes

1 - 4

To confirm the minutes of the meeting held on 2 July 2015 (copy attached).

Part 1 - Public

**4. Application for Approval of Reserved Matters
DC/15/0553/RM**

5 - 22

Submission of details under outline planning permission DC/13/0932/HYB – means of access, appearance, landscaping, layout and scale for 126 residential units and associated accesses, landscaping, open space, attenuation pond and infrastructure at Parcel C, Land North West of Bury St Edmunds Tut Hill, Fornham All Saints for Countryside Properties (UK) Ltd.

Report No. **DEV/SE/15/43**

5. Planning Application DC/13/0906

23 - 76

Erection of 133 no. 1 and 2 bedroom flats and 2 no. Class A1, A2 or A3 retail units with associated access, car parking, landscaping, and bin & cycle storage (following demolition of existing buildings), as amended, at Land at Station Hill, Bury St Edmunds for Peal Estate LLP

Report No. **DEV/SE/15/44**

Exempt Appendices to this report are referred to at Item 12 below.

6. Planning Application DC/14/0470/FUL, Outline Planning Application DC/14/0507/OUT and Planning Application DC/14/0474/FUL

77 - 146

- (a) DC/14/0470/FUL – Change of use of agricultural land to Amenity/Recreational village use (Re-submission of SE/13/0820/FUL) , as amended by revised plans received 11 September 2014 reducing the overall extent of proposed amenity space and as further amended by revised plan received 4 June 2015 to include the provision of a new access and

car parking area from Livermere Road;

- (b) DC/14/0474/FUL – Erection of: (i) a pair of semi-detached two storey dwellings; and (ii) garage , as amended by site layout plans received 20 May 2014 and as further amended by revised plans received 11 September 2014
- (c) DC/14/0507/OUT – (i) Erection of 8 no. dwellings ; and (ii) construction of new access (means of access, landscaping and layout under consideration), as amended by revised plans received 11 September 2014 altering the indicative position of the dwellings and the location of the proposed amenity space and as further amended by revised plan received 4 June 2015 indicating the layout of the proposed junior children’s play area; and

at Land at South West of and East of The Bull, The Street, Troston for Greene King

Report No. **DEV/SE/15/45**

7. Planning Application DC/14/1361/VAR 147 - 166

Erection of 91 dwellings together with drainage, access on to Hamlet Road, garaging, parking, landscaping and all ancillary works (following demolition of existing football club facilities) without compliance with Conditions 4, 5, 6, 9 and 10 of SE/11/1443 to enable alterations to landscaping and boundary treatment at Land East of Hamlet Road, Haverhill for Bloor Homes Eastern

Report No. **DEV/SE/15/46**

8. Planning Application DC/15/1283/FUL 167 - 174

Retention of single storey annexe to continue use as a separate dwelling at The Annexe, 120 Horringer Road, Bury St Edmunds for Mr and Mrs Goodspeed

Report No. **DEV/SE/15/47**

9. Application DC/15/0957/TPO Works to trees the subject of a Tree Preservation Order 175 - 182

Tree Preservation Order 442 (2006) 1 – Taxus (T1 - T16 on plan) – (i) crown raise to 3 metres from ground level; and (ii) reduce crown spread by 2 metres on most extreme tree and reduce remaining tree at rear of 2 to 6 Cherry Tree Close, northern boundary of cemetery, Bury St Edmunds for St Edmundsbury Borough Council.

Report No. **DEV/SE/15/48**

10. Update on Planning Enforcement Cases

183 - 186

Report No. **DEV/SE/15/49**

11. Exclusion of public and press

To consider whether the press and public should be excluded during the consideration of the following item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, as indicated against the item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 – Exempt

12. Planning Application DC/13/0906

187 - 224

Erection of 133.no. 1 and 2 bedroom flats and 2 no. Class A1, A2 or A3 retail units etc. at Land at Station Hill, Bury St Edmunds

EXEMPT APPENDICES to Report No. DEV/SE/15/44

Agenda Notes - Version for Publication

**DEVELOPMENT CONTROL COMMITTEE
 AGENDA NOTES**

Notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.

2. Material Planning Considerations include:

- Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
- Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
- The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Emerging Policy documents	Emerging Policy documents
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene

- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
 4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
 5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

Decision Making Protocol - Version for Publication

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services;
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterred, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training

- In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 2 July 2015** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke

Vice-Chairmen Tim Marks and Angela Rushen

Tony Brown

Carol Bull

John Burns

Robert Everitt

Paula Fox

Susan Glossop

Ian Houlder

Ivor Mclatchy

Alaric Pugh

David Roach

Julia Wakelam

Patricia Warby

Substitute attending:

Frank Warby

87. Apologies for Absence

An apology for absence was received from Councillor Peter Stevens. An apology for lateness was also received from Councillor Alaric Pugh.

88. Substitutes

The following substitution was announced :

Councillor Frank Warby for Councillor Peter Stevens.

89. Minutes

(Councillor Alaric Pugh arrived at the meeting during the discussion of this item)

The minutes of the meeting held 4 June 2015 were confirmed as correct record and signed by the Chairman.

90. Planning Applications

The Committee considered Report DEV/SE/15/41 (previously circulated)

RESOLVED – That:

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to the Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and advertisement consent be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written report (DEV/SE/15/41) and any additional conditions imposed by the Committee and specified in the relevant decisions;
- (3) refusal reasons be based on the grounds outlined in the written report and any reasons specified by the Committee and indicated in the relevant decisions.

91. Listed Building Application DC/15/0638/LB

Provision of 16 no. solar panels to roof at Angel Barn, Bury Road, Hengrave for Mr Ian Turner

(Councillor Susan Glossop declared a disclosable pecuniary interest as she lived near the application site and also knew the applicant and agent personally. She withdrew from the meeting during the consideration of this item. Councillor Robert Everitt left the meeting during the consideration of this matter and did not return)

In relation to the written report, reference DEV/SE/15/41, Officers reported that the reference in paragraph 6 to Hepworth Parish Council was erroneous and should read Hengrave Parish Council. Officers also advised that guidance issued by Historic England (previously known as English Heritage) advocated that the installation of solar panels should not be permitted directly onto Listed Buildings save in exceptional circumstances when other methods of energy saving had been employed and the installation of solar panels on outbuildings or free standing panels had been discounted.

The following person spoke on this application:

- (a) Dr. Henry Bowling - applicant's agent

In discussing the application the Committee acknowledged that its decision would rest on assessing the potential harm the proposal might cause to the architectural and historic character of the barn and, conversely, the public benefit which might be gained from it. It was noted that views of the proposed solar panels would be limited and would be mainly confined to the occupiers of the barn. In response to Members' questions Officers advised that the barn, whilst it was within the curtilage of the nearby Grade II Listed Thatched House, had to be treated as listed building in its own right as required by legislation. The barn was probably early 19th Century with conversion to a dwelling having taken place in recent years. The renovation works had included a substantial modernisation of the interior. The building had been listed at the time these works were carried out. A member pointed

out that the life expectancy of the proposed solar panels was likely to be in the region of 20 to 25 years following which they would require removal. The Committee concluded that the proposal would not have an adverse visual impact and clarification was sought as to whether a grant of approval contrary to the Officers' recommendation would invoke the Decision Making Protocol which would cause the application to stand deferred for a further report. Officers advised that the protocol would not be invoked.

Decision

Listed Building Consent be granted

92. **Overview and Update of Planning Enforcement Services**

The Committee received and noted Report DEV/SE/14/42 (previously circulated) which provided an update on Planning Enforcement, including case loads, performance and an outline of future development of the service. As a result of staffing issues planning enforcement had been outsourced to LSR Solicitors from Summer 2014 to March 2015. Since then a Planning Enforcement Team had been recruited consisting of 3 Enforcement Officers and one officer providing administrative support and cases were again being dealt with by the Council. In relation to the St Edmundsbury Borough area during the 12 months ending 31 May 2015 186 new cases had been opened, 187 cases were investigated and closed and 19 Enforcement Notices had been served and one withdrawn. As of 31 May 2015 there were 217 cases outstanding.

In relation to the breaches of Planning Control at the caravan site at The Birches, Glassfield Road, Bardwell, Officers gave a further oral update on the injunction granted by the High Court. An extension to the order had been granted the previous week to enable a report to be formulated on the level of compliance with the Enforcement Notice. The matter would be returned to the High Court when it was anticipated a further order would be issued requiring the outstanding breaches to be remedied.

The report in conclusion informed the Committee that a Local Enforcement Plan was to be produced which would establish priorities and a work programme for enforcement action and that Members would be consulted during the formulation of the plan. In relation to future action in respect of cases of non-compliance the report referred to the possibility of the Council taking Direct Action as an alternative to prosecution. This would involve the Council entering the land and carrying out remedial works itself with the costs being recovered from the persons on whom the notice had been served. This would involve a procurement process; the details of which were now being investigated.

Under the Committee Procedure Rules contained in the Constitution, Colin Hilder of Fornham made a statement in relation to the report in which he was critical of the past performance in dealing with enforcement cases. He pointed out that quarterly reviews were not being carried out and Enforcement Registers were not available on line and that both of these matters had been recommended for implementation by the Overview and

Scrutiny Committee. He suggested that data on enforcement cases should be made available on a regular basis to Committee Members and also that the Council should respond to applications to Traffic Commissioners in respect of HGV Operators' sites, particularly when environmental protection measures were required which could not be provided by conditions attached to planning permissions.

The Chairman in reply advised that now the Enforcement Section was fully staffed all the matters in the report and those raised by Mr Hilder were being moved forward as quickly as possible although it would take time before all aspects were operational. The Committee indicated that it wished to see regular reports, possibly quarterly or half yearly, to provide updates on enforcement cases in summary form. Officers advised that there would be IT capability issues to be resolved before reports on cases on a parish by parish or ward by ward basis could be forwarded to Members. The intention to place the Enforcement Register on the Councils' website was currently being progressed. The Local Enforcement Plan when produced would include Performance Indicators, response times and the periods elapsing before cases were closed. In relation to non-compliance with conditions, e.g. implementation of landscaping schemes, a method could be devised whereby checks could be put in place to establish, post-development, whether there had been compliance with certain conditions.

The meeting concluded at 11.00am

Signed by:

Chairman



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 August 2015

Planning Application DC/15/0553/RM Parcel C, Land North West of Bury, Tut Hill, Fornham All Saints

Date 10 April 2015 **Expiry Date:** 10 July 2015
Registered:

Case Officer: Chris Rand **Recommendation:** Approval

Parish: Fornham All Saints **Ward:** Fornham

Proposal: Reserved Matters Application – submission of details under Outline Planning Permission DC/13/0932/HYB – the means of access, appearance, landscaping, layout and scale for 126 residential units and associated accesses, landscaping, open space, attenuation pond and infrastructure

Site: Parcel C, Land North West of Bury, Tut Hill, Fornham All Saints

Applicant: Countryside Properties (UK) Ltd

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Chris Rand
Email: chris.rand@westsuffolk.gov.uk
Telephone: 01284 757352

Background:

This application is referred to the Committee as it is the first submission of details to be submitted for one of the strategic growth sites for Bury St Edmunds identified in the adopted Core Strategy. The site forms part of a larger area which has been the subject of significant public engagement through the preparation and adoption of a Concept statement and a Masterplan. Outline planning permission for the entire strategic site was granted in 2014 and this application represents the final stage in the process for Parcel C, the first stage of development. It is not envisaged that future phases of development will automatically be referred to Committee. The proposals are considered to comply with the relevant policies of the development plan and the National Planning Policy Framework and are considered to be acceptable in all other respects.

The application is recommended for approval.

Proposal:

1. Planning permission is sought for the approval of details submitted in pursuance of outline planning permission ref. DC/13/0932/HYB. The details relate to an area of 3.71 ha which will form the first phase of development of the wider site. The details include 126 new homes and associated access, landscaping, open space and infrastructure.
2. The application has been amended since submission to modify the affordable housing mix to increase the ratio of houses relative to the flats.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application forms and drawings – including location plan, site layout, house plans and elevations, materials schedule and parking
 - Design and Access Statement
 - Planning Statement
 - Landscape Strategy
 - Landscape plans
 - Landscape Management Plan
 - Drainage Strategy
 - Statement of Community Involvement

Site Details:

4. The site, which has an area of 3.71 ha, comprises part of a larger strategic site located adjacent to the north-western edge of Bury St Edmunds and south of the village of Fornham All Saints. Parcel C is the first phase of development which will be accessed from the southern end of the relief road which will link Tut Hill (B1106) with Mildenhall Road (A1101). As such it will occupy a prominent position at the entrance to the development.

Planning History:

5. The site forms the first of five strategic sites identified by Policy CS11 of the adopted Core Strategy. The policy states that the amount of development will be determined by environmental and infrastructure capacity considerations and the preparation and adoption of detailed masterplans in which the local community and other stakeholders have been fully engaged.
6. A concept statement was prepared and adopted by the council in 2013. This was incorporated as an appendix to the Bury St Edmunds Vision 2031 and adopted in 2014 following public consultation.
7. A masterplan, which followed the principles established by the concept statement, was prepared by Countryside properties. This was adopted by the council in December 2013 following public consultation. This document set out the key requirements of the development that subsequent planning applications need to deliver.
8. Planning permission was granted in 2014 for development of the site. The application was in hybrid form, providing full details of the relief road, change of use of land to a informal countryside recreation and outline for residential development, local centre, employment uses, public open space, allotments and the reservation of land for educational purposes (application SE/13/0932/HYB).

Consultations:

9. Highways England: No objection
10. Highway Authority: No objection. All conditions attached to the outline planning permission still apply.
11. Historic England: Do not wish to comment in detail. Any specialist advice should be sought from the West Suffolk Conservation Officers and Suffolk County Council Archaeological Service.
12. Suffolk County Council Archaeological Service: There is a requirement for archaeological work to be carried out in accordance with the conditions attached to the outline planning permission.
13. Natural England: No adverse comment.
14. West Suffolk Public Health and Housing: Recommends a condition relating to a Construction Method Statement.
15. West Suffolk Strategy and Enabling Officer: revised submission addresses previous concerns relating to affordable housing mix.

16. Suffolk Wildlife Trust: Identifies discrepancies between the Landscape Plan and Landscape and Ecological Management Plans. Makes recommendations with regard to seed mixes to enhance biodiversity and advises against the use of bulbs within landscape areas.
17. Environment Agency: Requests further information relating to Sustainable Urban drainage (SUDS)

Representations:

18. Fornham Parish Council: The Parish Council is supportive of the application and notes that there will be a decision on Tut Hill by the completion of the 100th dwelling and that the link road will be constructed prior to the 150th dwelling.

It confirms that it has been in consultation with Countryside Properties throughout the process and has seen the detailed designs back in February 2015.

Generally the Parish Council supports the mix and density and is in agreement that the layout and design is as proposed during the consultation period. It notes that there is a proposal for 25% of those dwellings in Parcel C to be affordable of which the majority are apartments. This is in line with that which has been suggested previously.

19. Bury St Edmunds Town Council: No objection.
20. The Bury Society: The Bury Society calls for this first phase to set the highest possible design standard for future phases. So we ask that the planning authority, whilst ensuring that this phase complies with the approved master-plan, will also pay special attention to the imaginative grouping of buildings to create interesting spaces, together with the carefully considered use of external materials. The Society also asks that the overall development embraces designs of a more contemporary nature and also homes for a mixture of age/family size ranges, to achieve an inclusive community and provide greater choice for future residents. We also query whether homes will be built to Code 4 level. We note that the question of the archaeological survey has been raised, so we assume that this will be fully resolved by the planning authority before any approval is granted.
21. Neighbours: Two letters of objection/comment have been received, one from Clay Road and one from Philip Road, Bury St Edmunds raising the following matters:
- The plans are not detailed enough in respect of the three pathway/cycleways connecting the site to the Howard Estate. Recommend that the access from Clay Road take a diagonal route to retain trees and restrict views through to the development.
 - None of the connecting footpath/cycleways should become bus routes.
 - Conditions cannot be discharged (subject of separate application),

as applicant has yet to discharge Condition 33 of DC/13/0932/HYB which requires programme of archaeological works to be carried out to be carried out for the particular development zone. Also concerned that Development Control Committee has yet to be provided with key archaeological information.

Policy:

22.The following policies of the St Edmundsbury Borough Local Plan have been taken into account in the consideration of this application:

23.St Edmundsbury Core Strategy (December 2010)

- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness
- Policy CS5 Affordable Housing

24.Bury St Edmunds Vision 2031 (September 2014):

- Policy BV1 Presumption in favour of Sustainable Development
- Policy BV2 Housing Development within Bury St Edmunds
- Policy BV3 strategic Site – North West Bury St Edmunds

25.Joint Development Management Policies (February 2015)

- Policy DM1 Presumption in favour of Sustainable Development
- Policy DM2 Creating Places
- Policy DM3 Masterplans
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

Other Planning Policy:

26. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

27.The issues to be considered in the determination of the application are:

- Principle of Development
- Character, context and design
- Other matters

Principle of Development

28.The application is for the consideration of reserved matters following the granting of outline planning permission for residential development under planning permission reference DC/13/0932/HYB. That permission established the principle of development.

Character, context and design

29.The design philosophy underpinning this development has evolved through the preparation of the masterplan in partnership with the local community. This has resulted in a landscape dominated development

throughout the site of which Parcel C forms the first part.

30. At a very early stage in the process of community consultation, the developer sought public opinion in respect of the approach to building design, providing good examples of contemporary and traditional housing design. For this site, the public opinion was clearly in favour of a more traditional approach. This information is contained in the background documentation supporting the preparation of the adopted Concept Statement. In this respect, the approach conflicts with the stated view of the Bury St Edmunds Society which is advocating development of a more contemporary design.
31. Inevitably, when working with a national housebuilding company, the range of buildings available is likely to be compromised by a need for standardisation in design. In this instance, however, the developer has sought to create distinctive character areas and has sought inspiration from the local area. This is addressed in section 2 of the Design and Access Statement. This is achieved, successfully in the opinion of officers, by a combination of layout and architectural treatment, including boundaries.
32. Parcel C lies adjacent to the proposed relief road which will connect Tut Hill with Mildenhall Road. It is proposed that the development will be set back from the road behind a wide verge and a flint boundary wall, reflecting one of the dominant features found within Fornham All Saints. Once within the site, the boundary treatment becomes softer, where development adjoins landscaped glades. Different character areas are identified within the site, each identified by a different form, layout and architectural treatment. Again, inspiration is drawn from the locality, with the closely spaced three storey flats based upon urban granary buildings found within the centre of Bury St Edmunds. By comparison, the three story flats which sit independently within a landscaped setting draw inspiration from a rural mill building.
33. Overall, the design philosophy seeks to create a new neighbourhood which will feel very much a part of the existing urban fabric of Bury St Edmunds, while reflecting characteristics of the nearby village of Fornham all Saints. It is the first phase of a larger development that will vary throughout in its character, but retain a continuity through the green infrastructure which unites the different elements.

Other matters

34. The developer is working with a Registered Social Landlord (RSL) to provide an appropriate provision of affordable housing. In this phase, the affordable housing represents 25% of the total. Although this may appear lower than the policy requirement, a range of different delivery rates across the entire strategic site of which Parcel C forms a part has previously been agreed, which will deliver 30%. The nature and form of the housing to be provided has been amended since the application was submitted, to increase the ratio of houses to flats. The proposal now meets the requirements of the Enabling Officer and the RSL.

35. Car parking is being provided in accordance with the adopted car parking standards providing 280 car parking spaces and garaging has been designed with internal space standards sufficient to accommodate modern vehicles and retain space for storage.
36. The layout has been inspected by Suffolk Constabulary and meets the requirements of Secured by Design, a police initiative aimed at crime prevention through the principles of natural surveillance, defensible space and natural security.
37. Drainage for the site and the surrounding area has been designed in accordance with the principles of sustainable urban drainage (SUDs) and will ensure that surface water run-off will not increase the risk of flooding. In addition, the layout has paid particular attention to surface water flows within the site, to ensure that buildings do not obstruct natural flows and lead to localised flooding issues for residents.
38. The concern raised by the resident of Clay Road relates to an area outside of this application. However, the issues raised do warrant serious consideration when the details of the footpath/cycleway linking with the Howard Estate are submitted for consideration.
39. All matters relating to archaeological investigation are addressed by the conditions already attached to the outline planning permission and the developer is working closely with Suffolk County Archaeology. It is incorrect to say that conditions cannot be discharged until other archaeological conditions have been discharged. The archaeological conditions have their own triggers which are not dependant upon the discharge of other conditions. For information, the archaeological information included as appendices with the objector's letter, allegedly not reported to the Development Control meeting were included within the Environmental Impact Assessment forming part of the application presented to the Committee.

Conclusion:

40. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that details submitted in pursuance of outline planning permission ref. DC/13/0932/HYB be **Approved** subject to the following condition:

1. 14FP – compliance with plans.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NL1PEBPD02E00>

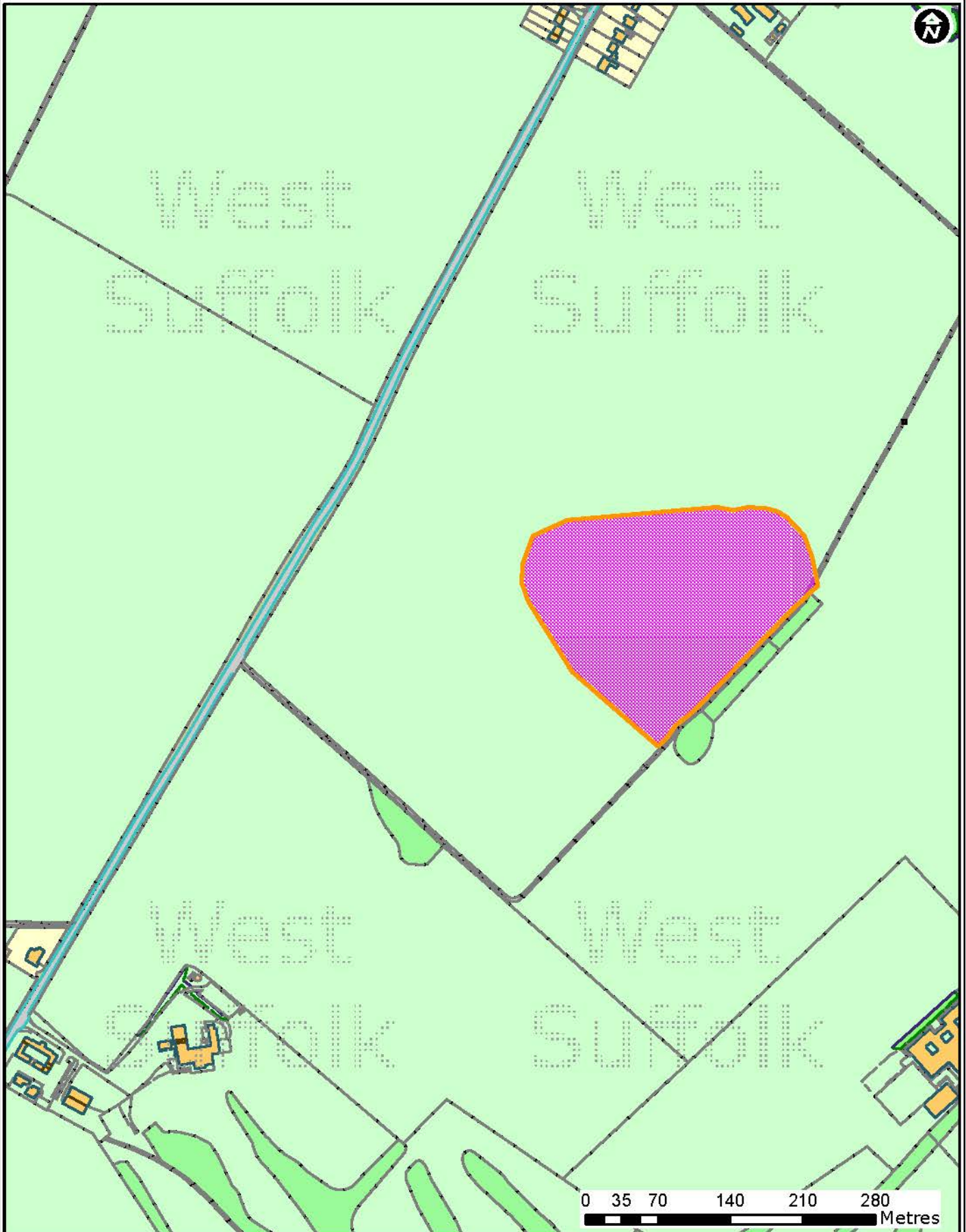
Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU

Case Officer: Chris Rand

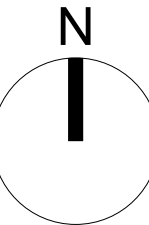
Tel. No. 01284 757352




DC/15/0553/RM

Parcel C, Land North West of Bury, Tut Hill, Fornham All Saints

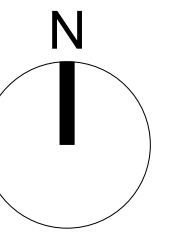





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<small> date: July 2014 scale: @A1 1:500 drawn by: SZ/GB checked: I Information PL Planning T Tender C Construction P Preliminary </small>					<small> project: Bury St Edmunds Parcel C drawing: Site Layout drawing no: N00232-PL-001 sheet no: Sheet 1 of 1 rev: </small>
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  					date: July 2014 scale: @A1 1:500 drawn by: SZ/GB checked: I Information PL Planning T Tender C Construction P Preliminary	project: Bury St Edmunds Parcel C drawing no: Site Layout drawing no: N00232-PL-001 sheet no: Sheet 1 of 1 rev: A
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Plot 61 (1) (5) (9) Plot 62 (7) (9) Plot 63 (7) (9) Plot 64 (1) (9) Apartments 40-51 (1) (2) (4) (10) Apartments 31-39 (1) (2) (4) (10) Plot 30 (2) (4) (10) Plot 11 (2) (9) Plot 10 (2) (9) Plot 9 (2) (9) Plot 8 (2) (9) Plot 7 (2) (9) Plot 6 (2) (9) Plot 5 (2) (9) Plot 4 (2) (9)

Streetscene D-D



Plot 3 (2) (10) Plot 2 (7) (10) Plot 1 (1) (10) Plot 126 (1) (10) Plot 125 (7) (4) (9) Plot 124 (1) (10) Plot 123 (1) (10) Plot 122 (1) (10) Plot 115 (1) (10) Plot 114 (2) (10) Plot 113 (2) (10)

Streetscene E-E



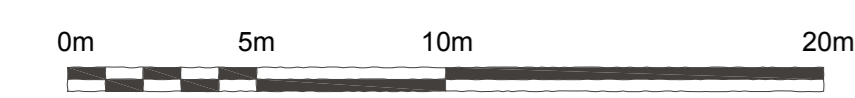
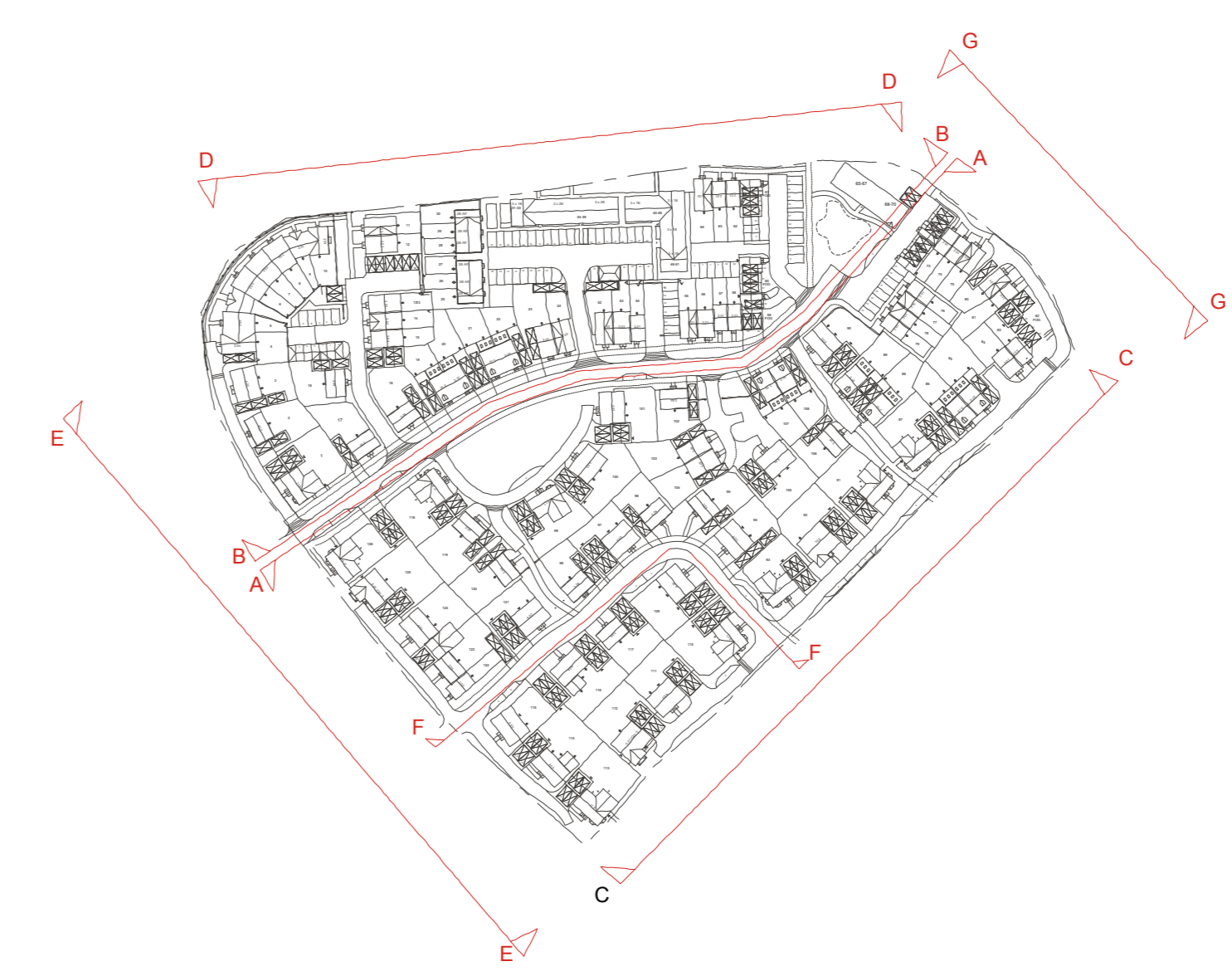
Plot 122 (1) (10) Plot 121 (2) (10) Plot 98 (2) (10) Plot 97 (3) (9) Plot 96 (3) (9) Plot 95 (3) (9) Plot 94 (3) (9) Plot 93 (2) (4) (9)

Streetscene F-F



Plot 82 (1) (4) (9) Plot 81 (1) (9) Plot 80 (1) (9) Plot 75 (1) (9) Plot 74 (1) (9) Plot 73 (1) (9) Plot 71 (1) (5) (9) Apartments 65 - 70 (1) (5) (10)

Streetscene G-G



A		10.07.15	NH	Street scene D Apartment layout amended	GB
 COUNTRYSIDE Places People Love 110 The Woodhouse Farm, 2923 2nd St 2017 Market countrysideproperties.com	date	Nov 14	project	Bury St Edmunds	
	scale	A40	200		
	drawn by	NH	checked		
	1. Information		2. Planning		
	3. Tender		4. Construction		
	5. Finality				
	drawing no.	PL_061	sheet no.	1 of 6	
	rev.	A			

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A	10.07.15	GB	View E amended following changes to Affordable mix.	GB
			date: July 2014 scale: @A1 1:500 drawn by: SZ/GB checked: information PL Planning T Tender C Construction P Preliminary	project: Bury St Edmunds Parcel C drawing: Artistic Views drawing no: PL062 sheet no: Sheet 1 of 1 rev: A

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 August 2015

Planning Application DC/13/0906/FUL Land at Station Hill, Bury St Edmunds

Date	23 January	Expiry Date:	31 May 2015 (with agreed extension)
Registered:	2014		
Case Officer:	Gareth Durrant	Recommendation:	Refuse Planning Permission
Parish:	Bury St Edmunds	Ward:	Risbygate
Proposal:	Erection of 133 no 1 and 2 bedroom flats and 2 (no) class A1, A2 or A3 retail units with associated access, car parking, landscaping, bin & cycle storage (following demolition of existing buildings), as amended.		
Site:	Land at Station Hill, Bury St Edmunds		
Applicant:	Peal Estates LLP		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Gareth Durrant
Email: Gareth.durrant@westsuffolk.gov.uk
Telephone: 01284 757345

Background:

This application is referred to the Committee because it is for 'major development' and the officer recommendation is at odds with that of Bury St Edmunds Town Council.

Proposal:

1. Planning permission is sought for the erection of 133 flats and two small commercial units (Class A1, A2 or A3). There would be 105 no. 2-bed flats and 28 no. 1-bed flats in the scheme. The application proposes 13 affordable flats (9.8%). The 133 flats proposed by the planning application translate to a density of circa 153 dwellings per hectare.
2. The two commercial units at ground level to the north of the site, facing towards the station would have gross floor areas of circa 71 and 65 square metres respectively.
3. The application has been amended since submission with the two small commercial units now proposed in lieu of two of the 2-bed flats (the planning application was first submitted for the erection of 135 flats). Some of the building blocks have been moved and tweaked in order to protect an access corridor through to the operational land behind the site and to introduce the 13 affordable housing units now proposed. The amended drawings have been the subject of re-consultation.
4. The development would be served by two vehicular accesses onto Station Hill and all existing buildings and structures within the site would be demolished to make way for new development.
5. The flats would be provided in four building blocks. One of these would be separated by the other three by a track which provides vehicular access from Station Hill to land behind the application site (the land and track are outside the control of the applicants).
6. The proposed buildings are generally four storeys, although a feature building is proposed at the crest of Station Hill with 6 storeys (with a single penthouse flat provided in each of the upper two floors). Similarly, and owing to a drop in levels, there is basement accommodation proposed in the northern most element of the development, leading to a part 4 and part 5-storey building facing towards the station buildings. Two small commercial units (Use Class A1, A2 or A3) are proposed in the basement with four additional storeys of flats above.
7. The buildings proposed in the planning application are of varying scales, partly owing to the changing number of floors within some parts of the scheme and partly owing to changes in levels, particularly closest to the Station Hill frontage. The majority of the proposed buildings would be four storeys 12-13 metres in height above ground level. The more limited provision of three storey development is lower (9.2-10.3 metres

in height). The height of five storey element towards the north of the site (with basement) rises as land levels reduce. This building would be up to 15 metres at its tallest point where it would face towards the Station buildings. Finally, the tallest elements of the buildings; the six storey element centrally positioned at the crest of the hill, would be 18.6 metres at its tallest point.

8. A range of materials (types and colours) would be used in the design of the buildings. The following palette is proposed;
 - Walls – Red/buff facing brickwork; white render; western red cedar board cladding
 - Roofs – Dark grey insulated zinc standing seam
 - Detail – Dark grey aluminium windows and doors; Black uPVC rainwater goods.
9. The application includes full details of vehicle parking and manoeuvring. A total of 123 car parking spaces are proposed to serve the 133 dwellings and x2 commercial units. Information submitted with the application indicates the commercial units would be serviced from some existing parking bays within the Station forecourt area (outside the application site).

Application Supporting Material:

10. The following documents comprise the planning application (including amendments/additional information received after the application was registered):
 - Forms and drawings including layouts, sections, and flat details, demolition plan, access details and landscaping.
 - Design and Access Statement.
 - Geoenvironmental assessment (contamination).
 - Transport Assessment.
 - Tree Report, Plan and Arboricultural Assessment.
 - Statement of Community Engagement.
 - Bat Emergence and Return to Roost Survey.
 - Utilities report.
 - Planning Statement.
 - Phase 1 Habitat Survey.
 - Noise Report.
 - Heritage Report.
 - Flood Risk Assessment.
 - Archaeological Desk Based Assessment.
 - Viability Assessment (Confidential document) and a non-confidential summary (available to the public for comment).

Site Details:

11. The site is positioned adjacent to the town railway station and occupies the frontage of former railway land fronting Station Hill. It contains a number of commercial uses operating from within the buildings currently occupying the site, including takeaways, a nightclub, a retail shop and a nursery. There is also a car park serving the commercial uses and station. A charging system is in place within the car park, although the first two hours are free.
12. The application site is largely surrounded (except for its highway frontage) by existing/former railway land, including the station entrance buildings and platforms to the north, operational land (active sidings for the transfer of minerals) to the west and other under-used land to the south. The Burlingham Mill also sits adjacent (but outside) the application site. This imposing structure is presently not in active use but was formerly used for seed cleaning and storage.
13. Station Hill provides a vehicular and pedestrian link from Tayfen Road to the A1101 Fornham Road and allows traffic using these two roads choice to avoid negotiating the Northgate Roundabout at busy times. Station Hill also provides access to the station forecourt and reception.
14. The application proposes no public open space provision (other than incidental landscaped or private areas) and minimal amenity spaces for residents.
15. The site is outside the town centre and its Conservation Area.
16. The site is part of a larger allocation of land for a residential led mixed use development in the Bury St Edmunds Vision 2031 Development Plan Document (Policy BV8) and was carried forward from the previous local plan.

Planning History:

17. There are a number of planning applications relevant to the current commercial uses operating from the buildings on site, but none are of direct relevance to this residential led mixed use development.

Consultations:

i) Scheme submitted with the planning application (January 2014).

18. Natural England: submits **no objections** to the application and comments the development will not damage or destroy any statutory nature conservation sites (e.g. any SSSI's or the Special Protection Area).

19. Environment Agency: **no objections** subject to x5 conditions requiring i) submission of a remediation strategy for the decontamination of the site, ii) strategy for addressing any presently unknown contamination subsequently found at the site (e.g. during construction), iii) details of surface water drainage to be submitted for approval, iv) no penetrative construction methods unless agreed with the LPA (to safeguard groundwaters from potential contamination), and v) submission and approval of a Construction Method Statement.
20. The Agency notes the subsequent surface water drainage scheme will need to increase storm water storage capacity to ensure the system can cope with repeated storm events. The agency provides other informative comments and advice.
21. Highways England (previously Highways Agency): **no objections** and comments the proposals will not affect the safety or operation of the A14 Trunk Road.
22. NHS Property Services Ltd (on behalf of NHS England): no objections and no requirement for a Health Contribution based on sufficient capacity within the catchment surgeries that would serve the proposed development.
23. Anglian Water Services: **no objections** and comments the foul drainage from the development would be received by the Fornham All Saints Treatment Works which, along with the transporting sewerage system, has capacity to accommodate the flows arising. They also comment on the surface water strategy and request an agreed strategy is reflected in any planning permission granted.
24. Suffolk Wildlife Trust: **no objections** and requests the recommendations of the ecological survey reports are implemented in full (secured via planning conditions).
25. Suffolk County Council - Highway Authority (Roads): initially did not object to the planning application, subject to conditions, but subsequently withdrew their comments to enable further consideration to be given.
26. Suffolk County Council – Highway Authority (Rights of Way): **do not wish to comment.**
27. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).
28. Suffolk County Council (Planning Obligations): **no objections** to the planning application and provided the following comments (summarised);

- We would encourage a comprehensive approach to the development of the whole Station Road/Tayfen Road area which is particularly important in terms of considering cumulative transport and education requirements.
- The Authority request involvement in any S106 negotiations as a consequence of viability considerations and in any case consider this is not over-riding as careful consideration must be given to the presumption in favour of sustainable development as set out in the NPPF.
- **Education (Primary).** (nb these comments were made prior to the County Councils decision to adopt a 2-tier system as part of their Schools Organisational (SOR) of the town's schools last year. Revised comments and requests, following SOR, are set out later in this report). We currently forecast to have sufficient surplus places at the catchment primary and secondary schools, but have no surplus capacity at the catchment middle school. Therefore we will require contributions towards providing additional school places at a total cost of £45,804 for the three school age pupils arising (£15,268 per pupil place).
- **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 6 pre-school pupils are anticipated at a cost of £6,091 per place. A capital contribution of £36,546 is requested. The Council confirms the contributions will be invested in the local area to improve & enhance local early years provision.
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** A capital contribution of £21,780 to be used towards libraries is requested. The contribution would be available to spend at the local catchment library in Bury St Edmunds.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.
- **Supported Housing.** We would also encourage all homes to be built to 'Lifetime Homes' standards.
- **Sustainable Drainage Systems.** Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits.

- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
 - **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).
29. Suffolk County Council – (Planning Obligations): wrote to update their position following their decision to adopt a two-tier schooling system in the town following School Organisational Review (SOR). Comments were received as follows (summarised):
- Following the SOR there are insufficient places available in all catchment schools to accommodate pupils arising from the development. Therefore funding will be required for 17 primary places totalling £207,077, 3 high school places totalling £55,056 and 1 sixth form place totalling £19,907. The requirement in total is £282,049.
30. Suffolk County Council – Archaeology: **no objections** and comments as follows;
- The proposed development site lies within an area of archaeological interest. It lies on the northern fringe of the medieval town, overlooking Tay Fen, and this location is topographically favourable for early occupation, particularly for Anglo-Saxon and prehistoric activity. Medieval extra-mural activity may also have taken place on this site. The proposed works have the potential to damage any archaeological deposits and below ground heritage that exist.
31. The Authority concludes by confirming there are no grounds to refuse planning permission in order to achieve preservation in situ of any important heritage assets. Conditions are recommended to record and advance understanding of the significance of any heritage asset (below ground archaeology) before it is damaged or destroyed.
32. SEBC – Strategic Housing: **comments** that the scheme should provide 40.5 affordable homes [from the 135 dwellings proposed at the time by the application] and notes there is no intention to provide affordable housing. The team confirms there is substantial housing need in Bury St Edmunds and would be happy to work with the developer in order to secure compliance with policy.
33. SEBC – Environmental Health (noise): **no objections.** Officers have considered the noise report and consider dominant noise sources are road traffic and railway activities, although noise from freight activities on adjacent land and from the Railway Club building have been considered. The team consider noise levels on the balconies of some of the blocks are likely to exceed recommended maximum noise levels but realistically these cannot be mitigated. Noise mitigation can be provided to achieve target internal noise levels, but in some rooms this will require windows to be kept closed and mechanical ventilation provided.

A condition is recommended in order to achieve an acceptable noise mitigation strategy for affected flats.

34. SEBC – Leisure, Culture and Communities: **objects** to the planning application and comments that the majority of public open space falls outside of the development boundary and is therefore not guaranteed to go ahead. This means that the development itself contains very little public open space of any meaning or use to future residents and would fall short of the requirements of the SPD for open space, sport and recreation facilities.

ii) Amended drawings/details received November 2015

35. Natural England: **no objections** and refers to its earlier comments (paragraph 18 above).
36. NHS Property Services Ltd (on behalf of NHS England): **no objections** and did not wish to comment further.
37. Environment Agency: **no objections** and refers to its earlier comments (paragraph 19 above).
38. Highways England (previously Highways Agency): does not wish to comment.
39. Anglian Water: **no objections** and refers to its earlier comments (paragraph 23 above).
40. Suffolk County Council (Highways -Rights of Way): **no objections** and refers to its earlier comments (paragraph 26 above).
41. Suffolk County Council (Highways – Travel planning): **comments** their comments will be included as part of a comprehensive highways response.
42. Suffolk County Council (Archaeology): **no objections**, and refers to its earlier comments and requests for conditions (paragraph 30 above).
43. Suffolk County Council (Flood and Water): **no objections** and comments that the drainage systems must be in accordance with CIRA 697 sustainable drainage and including exceedance routes.
44. SEBC – Environmental Health (noise): **no objections** and refers to its earlier comments and suggested condition (paragraph 33 above).
45. SEBC – Environmental Health (land contamination): **no objections** based on the findings of the Geoenvironmental report and recommended imposition of an appropriately worded condition to secure the further investigations recommended in the report.

46. SEBC – Planning Policy: **no objections**, sets out relevant planning policies and comments on the ability to determine the planning application in advance of the masterplan being adopted (which was the position at the time).

iii) Amended drawings/details received February 2015

47. Suffolk County Council (Highways): **objects to the amendments**. The Authority is content with the residential aspects of the amended planning application but is concerned about parking provision for the two commercial units and the absence of servicing provision within application site.
48. Suffolk County Council (Highways – Travel Planner): **objects** to the application in the absence of an adequate and approved Travel Plan. He notes the Travel Plan has not been amended in response to comment since the application was submitted and sets out the criticisms of the document (predominantly the 5% modal shift target set out in the draft Travel Plan which should, in his view, be a target of 15% given the reduced parking provision and to demonstrate a good ‘car-free’ development).
49. SEBC – Planning policy (Conservation): **objects** and after setting out Local and National planning policies relevant to Conservation provides the following comments (summarised):
- This application is for the development of Phase 1 of the larger Station Hill site and is located close to the listed station and adjoining station masters house/hotel. There is therefore the potential for this phase of the development to have an impact on the setting of these listed buildings. The listed signal box is located to the west of the site and, whilst the impact of Phase 1 of the development would be minimal, further phases would impact on its setting. The former railway hotel, railway bridge, chapel and St Saviours remains are of sufficient distance away that their setting is unlikely to be adversely affected.
 - The site boundary of Phase 1 is drawn tightly against the edge of the garden fronting the station master house. The garden land and ground floor of the building is considerably lower than the application site, with the existing car park levels at approximately the first floor level of the house. The cross-section drawings do not show this relationship, instead showing the section of the westernmost end of the development, which is at a lower level, with the station. Even at this lower level, however, the proposed Block A is clearly taller than the station.
 - The edge of the development is less than 25 meters away from the listed buildings. At the closest points, Block A, elevation AO2, is five storeys in height, reducing to four storeys with the slope of the land, and Block C, elevation CO2, is four storeys in height. Taking into account the level differences between the site and the garden,

however, this would make the height of the four storey elements the equivalent of five storeys when standing in the garden. This, coupled with the close proximity to the listed station buildings, would result in domineering and overbearing development which would erode the views of the station and significantly encroach on the setting of the listed buildings. I note that there are trees around the edge of part of the garden but the development would provide a solid screen which would be harsher and more apparent than the trees. They would not adequately screen the development and may, in any case, be reduced or removed in the future. They are not within the control of the developer and should not be relied upon to mitigate against the impacts of the development in its current form.

- No assessment has been made of the visibility or otherwise of the proposed buildings from the platforms, particularly the northern platform. I note that the heritage assessment considers that stations are usually surrounded by buildings so the new development would not be an issue. The station as existing, however, is not surrounded by buildings and does enjoy a degree of space and the views of the chimneys along the southern side are clearly appreciated against open sky. The impact of any new development on this aspect of the building must be clearly demonstrated.
- Burlingham Mill is not listed but is considered to be a non-designated heritage asset. Its setting is currently poor and there is therefore scope to enhance it. The edge of Block D closest to it would be approximately 35m away from the Mill. The masterplan shows a square and gardens (which would form part of a later phase), around the Mill so the proposed Phase 1 development, which the cross-section details indicate is lower in height, would not have an adverse impact on the setting or appreciation of the Mill.

Conclusion

- Whilst there is undoubtedly an opportunity to improve the station approach and setting, the development as proposed is too large and domineering. The station is a distinctive building and should be the focal point of the site, which is after all, Station Hill.
- The scales of Blocks A and C in close proximity to the station buildings are unacceptably large and overbearing, having an adverse impact on the setting of the listed buildings. These parts of the development should be reduced in scale and if possible pulled back further from the listed buildings. Cross-sections showing the direct relationship with the station and station masters house and garden are required to demonstrate the resulting impact.
- A visual assessment of the impact of the development from the northern platform is required.

- An assessment of the buildings proposed for demolition should be provided to demonstrate the extent of their significance.
- There is scope to alter the development to provide a satisfactory relationship with the listed buildings. In its current form, however, the development would be harmful to the setting of the listed buildings and is therefore recommended for refusal as contrary to the requirements of DM15, and paragraphs 132 and 137 of the NPPF.

Representations:

i) Scheme submitted with the planning application.

50. Bury St Edmunds Town Council: **no objections**.
51. Bury St Edmunds Society **objects** to the application and provides the following comments (summarised):
- No S106 contributions for affordable homes, education, or playing facilities or traffic movements.
 - No on site play provision and very little soft landscaping.
 - Concern the development (particularly its lack of open spaces and infrastructure contributions) would prejudice delivery of the wider Masterplan development.
 - Concerned that failure to provide the homes to Code 4 levels would be a burden for future generations if the planning authority does not insist upon those standards.
52. Suffolk Preservation Society: **comment** as follows (summarised):
- Welcomes the redevelopment of the brownfield site to provide a significant number of small residential units in this highly sustainable location.
 - The viability claim to remove the S106 package and avoid sustainable construction features should be reviewed independently.
 - The layout of the development is car dominated resulting in a deficiency of communal public space, thus the scheme fails to create a distinctive quality environment.
 - There appear to be limited cycle routes (despite the presence of cycle racks).
 - The layout of the majority of flats is single aspect with some facing north, north-east or north-west. This will result in a lack of natural light to these properties. This exacerbates the lack of accessible communal areas within the site.
 - The detailed design of the blocks is pedestrian and lacks a distinct design quality and are thus contrary to National Policy (para 56 of the NPPF).

- The Society urges a design review of the scheme in accordance with para 62 of the NPPF.

53. Network Rail: *(note Network Rail has submitted comment in its capacity as a private landowner of land adjacent to the application site and not in its capacity as guardian of the rail network. Accordingly, their comments are included in this section as 'representations' as opposed to being included as a consultee comment in the previous section) – **objects** to the planning application on the following grounds (summarised):*

- We have no concerns about a residential development of the site. However, we would comment that by no providing any commercial uses envisaged in the policy within Phase 1 would limit the opportunity (if any) to deliver uses other than residential on the Masterplan site, as none would be considered viable without active/roadside frontage.
- We are committed to ensure that development of our land is delivered in the future in line with the Council's aspirations, although it is to be noted that parts of the railway sidings are currently operational and will continue to do so until the land becomes surplus to Network Rails requirements. Our client is concerned that appropriate consideration has not been given to this factor in the formation of the application.
- The proposed access for the southern plot of the Phase 1 development is extremely close to the existing Network Rail access, with virtually no off-set. This gives rise to a highway safety issue with potential traffic conflicts.
- Furthermore, the proposed access arrangements are not satisfactory for the continued use of the Network Rail owned access road for Network Rail vehicles (including HGV's) that access this freight land.
- We request the access arrangements are altered to reflect existing land uses prior to the application being determined.
- There are a number of issues with the design approach which is likely to undermine the delivery of subsequent phases of the Masterplan development. These are:
 - The narrow specification of the access in-between the southern and northern plots. The arrangement does not allow for an appropriate gateway to the remaining Masterplan phases which will inevitably constrain the development potential of the wider site. It is evident that no cycleway provision can be delivered.
 - Sufficient access and access corridor provision would need to be reserved and secured to ensure the delivery of the remaining Masterplan phases, but these details do not form part of the Phase 1 application.
 - It is evident from the applicant's submissions that the highway infrastructure requirements have only been considered in respect of the Phase 1 application, and thus no highway contributions have been identified. This approach is inappropriate for a

Masterplan site such as this, which seeks a comprehensive redevelopment (albeit in phases), as the overall highway and infrastructure requirements for the wider masterplan site have not been identified. There are no mechanisms in place to ensure that proportionate contributions are secured from the whole Masterplan site. This would undermine the viability and deliverability of the subsequent phases.

- In addition, there are concerns about the approach to gathering the evidence for and thus the content of the applicants Transport Assessment which does not, therefore, adequately address the highway infrastructure requirements for Phase 1 or the wider Masterplan site.

- Relevant Development Plan policies require parking to supplement the requirements of the railway station, and an improved public transport interchange, which are not required directly to support residential development on Phase 1 or the subsequent Masterplan phases. Accordingly it would be down to the subsequent phases to bear the costs of these requirements.

- the Phase 1 development proposes very limited open/amenity space to future residents. The majority of open spaces shown fall outside the application boundary, on Network Rail land adjoining the railway line. This land will not be brought forward until the later phases are brought forward. The development effectively relies on 'off-site' open space provision and, accordingly, if this application is allowed to go ahead, there should be an appropriate mechanism to secure the developer's financial contributions towards these spaces.

54. One letter was received in **support** of the application which commented that the development is well thought out on what is an unattractive and derelict site. A request is made to secure high quality materials and avoid the blue coloured render which the correspondent considers has not aged well on the Forum buildings on the opposite side of Station Hill.

ii) Amended drawings/details received November 2014

55. Bury St Edmunds Town Council: **no objections**.
56. Network Rail: **objects** to the application in the continued absence of a mechanism to secure the provision of the road/footpath/cycleway corridor to serve later phases of the masterplan development. It is pointed out the freshly widened road corridor and bell mouth junction remains below standards for HGV movement set out in the Freight Transport Association Ltd guidance. Network Rail re-affirms its previous position that agreement needs to be in place between all of the landowners to secure delivery of the access road in order that the Phase 1 development would not prejudice delivery of later phases. It goes on to repeat some of its earlier objections (paragraph 53 above) and criticises the additional transport information submitted by the

applicants, including the absence of cumulative assessment raised previously. Finally the issue of safety and noise impact from the operational rail sidings is raised with a concern that the continuance of the operation must not be compromised by the residential development proposed by Phase 1.

iii) Amended drawings/details received February 2015

57. Network Rail: continues to **object** and repeats most of the objections submitted in previous correspondence (reported at paragraphs 53 and 56 above).
58. One letter has been received from a local resident of the town passing **comment** on the planning application. He points out that Rail users need car parking facilities and this application seems to be removing car parking for the Station. The scheme should provide some parking for users of the Station within the development.

Policy:

59. The following policies of the Joint Development Management Policies Document (2015), the Bury St Edmunds Vision 2031 (2014) and the St Edmundsbury Core Strategy (2010) have been taken into account in the consideration of this application:

Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM3 – Masterplans
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 – Protected Species.
- Policy DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM15 – Listed Buildings.
- Policy DM16 – Local Heritage Assets.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
- Policy DM35 – Proposals for Main Town Centre Uses.
- Policy DM37 – Public Realm Improvements.
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM44 – Rights of Way.
- Policy DM45 – Travel Assessments and Travel Plans.

- Policy DM46 – Parking Standards.

Bury St Edmunds Vision 2031 (2014)

- Policy BV1 – Presumption in Favour of Sustainable Development.
- Policy BV2 – Housing Development within Bury St Edmunds.
- Policy BV8 – Station Hill Development Area – Bury St Edmunds.
- Policy BV17 – Out of Centre Retail Proposals.

St Edmundsbury Core Strategy December (2010).

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS5 (Affordable Housing)
- Policy CS7 (Sustainable Transport)
- Policy CS8 (Strategic Transport Improvements)
- Policy CS10 (Retail, Leisure, Cultural and Office Provision)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- CS14 (Community Infrastructure Capacity and Tariffs)

Other Planning Policy:

60. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (September 2013).
 - Open Space, Sport and Recreation Supplementary Planning Document (December 2012).
61. Full Council considered the Station Hill Masterplan at their meeting on 7th July. Council resolved to adopt the Masterplan, subject to a number of changes being secured to the content and other matters being resolved. At the time of writing those matters had not been fully resolved, but the Masterplan document can now be given weight when considering planning applications on land within the Masterplan area.
62. The Masterplan, which has been prepared in the light of Development Plan policies and an adopted Concept Statement, will not form part of the Development Plan for the District. The Masterplan will have the status of informal planning guidance and will be a material consideration when determining planning applications. It will be down to the decision maker in each case to consider the weight to be attributed to the Masterplan.
63. The National Planning Policy Framework (hereafter referred to as 'the Framework') sets out government's planning policies for England and how these are expected to be applied.

64. Paragraph 14 of the Framework identifies the principle objective:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or specific policies in this framework indicate development should be restricted."

65. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

66. The relevant policies of the Framework are discussed below in the Officer Comment section of this report.

67. The Government has (March 2014) published National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process. The Guidance is (where relevant) discussed in the Officer Comment section of this report.

Officer Comment:

68. This section of the report begins with a summary of the main legal and legislative requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of, national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

The Conservation of Habitats and Species Regulations 2010

69. Given the location of the various designated nature sites in the District (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'appropriate assessment' of the implications for that site before consenting the plan or project.
70. The application site is not in the close vicinity of designated (European) sites of nature conservation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites and no concerns have been raised following consultation about these proposals. Officers have therefore concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations).

71. The planning application was screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not therefore required to accompany the planning application.

Natural Environment and Rural Communities Act 2006

72. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

73. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The St Edmundsbury Development Plan is comprised of the adopted Core Strategy the three Vision 2031 Area Action Plans and the recently adopted Joint Development Management Policies Document. National planning policies set out in the Framework are also a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

74. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

75. Section 72(1) of the same Act states;

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

76. The development is not situated in a Conservation Area but its boundaries are relatively close by. Whilst the proposed buildings would be visible from within certain parts of the Conservation Area, particularly the taller structures proposed, the character or appearance of the Conservation Area would not be significantly influenced or changed as a consequence of the development.

77. There are a number of Grade II listed buildings in the vicinity of the application site. Whilst the application does not propose alterations to these buildings, their settings, particularly the setting of the Station buildings are likely to be affected by the development proposals. The legislative duty to pay special attention to the desirability of preserving the setting of the listed buildings is considered later in this section of the report.

Crime and Disorder Act 1998

78. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application but the proposal does not raise any significant issues.

Principle of the Development

79. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

80. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

- i) economic (contributing to building a strong, responsive and competitive economy),
- ii) social (supporting strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural,

built and historic environment)

81. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
82. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages; moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
83. Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. This is re-affirmed by CS4 which sets out the settlement hierarchy for the District. Policy BV1 of Vision 2031 repeats national policy set out in the Framework insofar as there is a presumption in favour of sustainable development. Saved Local Plan policy H2 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan. This is repeated by policy BV2 of Vision 2031 in relation to Bury St Edmunds.
84. Policy BV8 of Vision 2031 allocates the application site and other land for mixed use development. The range of uses permitted by the Policy include:
 - Residential (300 dwellings indicative)
 - Offices and other B1 industry
 - Leisure uses
 - Small scale retail uses to serve local needs (capped at 150 sqm of net floorspace)
 - Parking (ancillary to these uses and for the station)
 - An improved public transport interchange and
 - Strategic landscaping and public realm improvements.
85. In his report into Vision (in response to a claim that residential development of the site is the only viable option) the Planning Inspector, Roger Clews, stated "the Council intend to apply policy BV8 flexibly so there is no need to consider viability of non residential uses at this stage". By this he was content for the precise mix of uses to be

determined at planning application stage where viability could be tested against prevailing market conditions.

86. The site was allocated for an almost identical development in the now superseded Local Plan (2006), but development was not realised during that plan period. A concept statement was prepared jointly for the Station Hill and adjoining Tayfen Road sites and adopted by the Council in October 2007. This was the subject of consultation.
87. The Concept statement identifies opportunities to create a new quarter for Bury St Edmunds with pedestrian and transport access to the railway station, high quality urban and architectural design and attractive and well used public open space. Opportunities are recognised to improve transport connections, provide high density (residential led) development and provide public realm improvements, particularly to the Station Hill road frontage (including landmark buildings provided to frame key vistas and important urban views and features safeguarded). In its concept plan, the Concept Statement recognises that the Station Hill site will be predominantly residential with some limited mixed use potential.
88. The Concept statement acknowledges that development of the sites cannot come forward at the same time because of their different characteristics and the constraints of the area (including the active railway sidings) and confirms the masterplans will be required to address phasing of development, where appropriate.
89. The Station Hill Masterplan document has been prepared within the parameters of the Concept Statement and recognises that redevelopment is likely to be residential led, with opportunities for non-residential uses explored further at planning application stage/s.
90. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the NPPF and in Vision 2031. Policy DM30 aims to protect employment land in employment use and sets out detailed criteria for how non-employment development proposals of employment sites will be considered.
91. Large parts of the site (the remaining buildings) are currently in employment use and are thus deemed to be protected by policy DM30 of the Joint Development Management Policies Document. However, in this case, the allocation of the site for redevelopment is important and, ultimately, determinative with respect to the policy aspiration to protect employment land. In this case the specific allocation of the land for redevelopment takes precedent over the more general and blanket approach to protecting/safeguarding employment land in employment use. Accordingly, the requirements of DM30, to demonstrate the buildings are no longer required or suitable for employment related uses can reasonably be set aside given the formal allocation of the site for a residential led mixed use redevelopment.

92. As stated elsewhere in this report, the application site is allocated by policy BV8 of Vision 2031 for a residential led mixed use development. Whilst a range of non-residential uses are listed in the policy, these need to be applied flexibly when considering planning applications with particular regard given to viability and market conditions. The Concept Statement prepared jointly for the Station Hill and Tayfen Road Masterplan sites indicates there are limited opportunities for non-residential uses at the Station Hill site. The most likely location within the Masterplan site for non-residential uses are ground floors opposite the station forecourt and the Station Hill road frontage. The document also discusses the potential for Burlingham Mill to be used as a hotel, but acknowledges this would be subject to viability considerations, noting that residential is a likely alternative.
93. The Station Hill Masterplan does not attempt to prescribe particular use types to different areas of the site and acknowledges that subsequent planning applications should seek to provide a mix of uses to conform to the concept statement and policy BV8 with flexibility applied when each planning application is considered having regard to viability and other considerations.
94. Upon its submission, the planning application for Phase 1 of Station Hill was for 100% residential development (135 no. flats). The applicants have subsequently amended the application and have introduced 2 no small commercial units at ground floor level fronting towards the Station forecourt in lieu of two of the flats (133 flats are now proposed). This is the general location illustrated on the concept plan within the adopted concept statement.
95. There are viability issues with this development which threatens its deliverability. Accordingly, and in the light of the viability evidence submitted in support of the planning application, it is highly unlikely that the inclusion of a string of commercial uses along the Station Hill frontage would be viable, given such uses would be lower value in comparison to more profitable residential use. It is unlikely that a scheme including the provision of commercial uses at ground floor level along the Station Hill frontage would be deliverable.
96. The inclusion in the planning application of two small commercial units fronting the Station forecourt is a gesture by the applicant and represents an attempt at bringing their proposals closer to the policy aspiration of achieving a mixed use development of the site. The applicants remain concerned about their ability to successfully market (dispose) of these premises to the market, but are prepared to provide them in order to gain closer alignment to the aspirations of policy BV7. This is considered a reasonable approach and, given viability considerations, is considered acceptable by your officers.
97. In the light of the above discussion, the planning policy and Masterplan context and given the economic conditions affecting the site, officers consider the development of the 'Phase 1' site at Station Hill with 133 flats and two small commercial units accords with national and local

policies, including the mixed use development allocation in Policy BV7 of Vision 2031, and is therefore acceptable in principle.

98. The remainder of the officer assessment below considers other material considerations and impacts in detail (and in no particular order) and discusses S106 requirements before reaching conclusions and a recommendation.

Natural Heritage

99. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
100. Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity. Saved Local Plan policy NE2 safeguards protected species from the potentially adverse impacts of development, unless there is no alternative to development and suitable mitigation measures have been undertaken.
101. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.
102. The development proposals would not affect any internationally, nationally or locally designated sites of nature conservation interests.
103. The applicant's ecological assessment and subsequent bat survey confirms the application site has been surveyed for a range of rare species. The report concludes the site is suboptimal for protected species. The following measures are recommended to enhance the ecological qualities of the site as part of the redevelopment proposals;
- Provision of 6 (no.) bat boxes throughout the development.
 - Provision of 6 (no.) bird boxes throughout the development.
 - Incorporation of native species/wildlife attracting species and wildflower swards in the landscaping scheme.

104. No concerns or objections have been raised in response to the proposals, including their potential impact upon the hierarchy of designated nature conservation sites and protected species. The potential to secure biodiversity enhancements in the event that planning permission is granted is acknowledged and could be secured by means of appropriately worded conditions.

Transport and Highway Safety

105. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
106. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
107. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
108. Policy CS7 of the Core Strategy seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured. The provision of new relief roads in Bury St Edmunds [delivery being part of the strategic residential and employment sites allocated around the town], improved sustainable transport links and A14 junction improvements are regarded by the policy as 'fundamental infrastructure'.
109. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.

110. The applicants have submitted a Transport Assessment with the planning application. The following key conclusions are drawn by the document;

- *This report has demonstrated that the site is located sustainably in the context of the NPPF 2012 with good connectivity to the centre of Bury St. Edmunds and major employment destinations by non-car modes of transport. The site is adjacent to the rail station with high frequency buses operating to within 50m of the site boundary and the Town Centre accessible within a 5-10 minute walk or a 5 minute cycle from the site.*
- *In terms of trip generation, the proposed phase 1 development replaces existing leisure development and parking which generates some existing traffic. It is therefore expected that the net number of additional vehicle trips generated by the development would be small, with Phase 1 of the residential development generating an additional 12 vehicle trips in the AM Peak and 5 in the PM Peak. Junction capacity assessment results demonstrate that the proposed phase 1 redevelopment at Station Hill would have a negligible impact on driver delay and queuing, with the junctions at Station Hill continuing to operate with RFCs below 1.0. The junction of Out Northgate / Compiegne Way / Tayfen Road would marginally exceed capacity in the 2018 base year without the development however the Phase 1 scheme would not increase queuing at this junction. For this reason, we consider that the impact of the Phase 1 scheme on the local highway network would be negligible.*
- *In order to further reduce the transport impacts of the Phase 1 development, a residential travel plan will be implemented as well as public realm enhancements along the site frontage at Station Hill which would provide additional shared space for pedestrians and cyclists. The removal of existing buildings on the site provides the opportunity to create a new plaza and wider footways and new cycleway along the frontage of the site which would be offered for adoption as part of the public highway (or be undertaken as part of s278 works where the works are within the extents of existing public highway).*
- *This would feature attractive landscaping with new seating set back from the carriageway. The space would encourage the movement of pedestrians surrounding the site and connecting with the railway station to the north of the site. Such proposals would adopt principles of Manual for Streets (MfS) and MfS2, helping to balance the link and place functions of Station Hill. The phase 1 site access arrangements have also been amended to allow a wider space between the phase 1 parcels to facilitate the delivery of the future redevelopment of the rail sidings as part of the surrounding masterplan.*

- *Therefore based on the above it is considered that in highway and transport terms there should be no reason why the Phase 1 development should not proceed.*
111. The Highway Authority at Suffolk County Council has accepted the findings of the Transport Assessment. Some concerns have been raised about the content of the document by consultants working on behalf of an adjacent landowner and these have been forwarded to the Highway Authority which has not changed its stance on the conclusions drawn by the Assessment.
 112. Access to the proposed development is considered safe and suitable and officers are satisfied the development would not lead to significant highway safety issues or hazards on approaches to the site, or further afield around Bury St Edmunds. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during the am and pm peak hours.
 113. Third party concerns have been raised about the lack of a holistic approach to delivery of any highway improvements required from the Tayfen Road and Station Hill Masterplan sites as a whole. This is discussed further in the S106 section (below) of this report.
 114. The Local Highway Authority has expressed concerns about the lack of service provision afforded to the two commercial units proposed to the north of the site, facing towards the station forecourt. No space is provided within the application site for delivery vehicles. Instead, the applicant has indicated that some parking spaces within the Station forecourt area could be used for these purposes. This is considered inadequate for the following reasons:
 - The parking facility is on private land and parking charges apply to the spaces. It is not clear that the landowners consent has been sought or attained for this land to be used for delivery vehicles.
 - The parking spaces have been designed for car use and would be unsuitable for use by large vans or small lorries which would be expected to deliver goods to the commercial units. If cars are parked in the bays it is unlikely that sufficient space would be available for delivery vehicle use. This would lead to vehicles parking on the highway or causing temporary obstruction within the Station forecourt area.
 115. The absence of suitable servicing arrangements for the two commercial units is a significant dis-benefit of the proposals.
 116. Some concerns have been expressed about the loss of the surface car park from the application site as a consequence of this development. Others have requested new parking provision is made available for use of visitors to the Station. The car park currently operating from the

application site is available for general public use, but is targeted towards visitors accessing the retail unit warehouse and day nursery operating from the rear and the hot food take-away's and nightclub operating from the frontage. The car park is free to use for up to two hours at which point charging applies. The application site has been visited by your officers on a number of occasions over the past two years in connection with this planning application, the development of the Station Hill Masterplan and the adoption of the Vision 2031 Development Plan Document. The car park has always been underused with only a handful of spaces being occupied on each occasion across what is a relatively large car park. Similarly the parking spaces provided within the station forecourt area are also underused. The parking charges which apply here are not considered unreasonable (approx. £3 per day) and should not act as a deterrent to users of the Station.

117. It is not apparent that the loss of the car park would displace important parking capacity from the station given it is currently underused. In any case, it would be unreasonable to insist that the developer provides a car park that is not related to their development and which would be solely intended for the benefit of the Station. Given the absence of cars from the local car parks, the railway passengers arriving at the station must be arriving via other (more sustainable) transport modes. Should a future need arise for additional parking provision for the Station there are opportunities to provide this on land associated with the Station, both within the Masterplan site (land owned by Network Rail) and spare land located on the north side of the station.

Built Heritage

118. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
119. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
120. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict

between the heritage asset's conservation and any aspect of the proposal.

121. The Framework goes on to discuss how to consider 'substantial harm' and 'less than substantial harm' and advises where 'substantial harm' would occur, the local planning authority should refuse consent unless it can be demonstrated the harm is outweighed by substantial public benefits. Where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework advises this harm should be weighed against the public benefits of the proposal.
122. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) conserving or enhancing the historic environment including archaeological resources.
123. Policy DM15 of the Joint Development Management Policies Document requires development proposals affecting (inter alia) the setting of a listed building to demonstrate a clear understanding of the significance of the setting of the building alongside an assessment of the potential impact of the proposal upon that significance. The policy also requires new developments to respect the setting of listed buildings, including inward and outward views and be of an appropriate scale, form, height, massing and design which respects the listed building and its setting. Policy DM16 addresses proposals affecting non designated heritage assets. Policy DM17 sets out criteria for considering development proposals within, adjacent to or visible from within a Conservation Area. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.
124. As stated previously, the development proposals would have only a negligible impact upon the character and appearance of the Bury St Edmunds Conservation Area given that some components of the development are likely to be apparent in views from some parts of the Conservation Area. These visual impacts and more particularly, their impact upon the character of the Conservation Area would not be significant.
125. The application site is in relatively close proximity to four Grade II listed buildings. The nearest listed structure, and that most affected by the proposed development, are the station buildings and, in particular, the Station Masters House. Other listed buildings, namely the signal box to the west of the station platforms, the railway bridge over Fornham Road to the east of the platforms and the Station public house (formerly the 'Linden Tree') are more distant from the proposed development such that their character and settings would not be affected by the proposed development.
126. The north boundary of the application site sits adjacent to the gardens of the Station Masters House which itself adjoins the Station reception buildings. The application site sits above a slope which drops dramatically into the Station Masters Gardens. Ground levels at this part

of the site are approximately a building storey higher than the ground levels of the adjacent gardens. This means that any development of the northern extreme of the application site, particularly close to the north boundary would have an intimate relationship with the Station Masters House and Gardens.

127. The application proposes two blocks of buildings adjacent to the north site boundary; labelled on the drawings as blocks A and C. Block A is situated to the north eastern corner and Block C to the north western corner. Proposed building Block A is a 4 and 5 storey building with heights ranging between an upper of 16.3m (4-storeys and basement) and lower of 12m (4-storeys). This building is positioned close to the alignment of the north boundary with a varied set back of between 1 and 2 metres (note the balconies provided to the north east corner flats would be within 0.6 metres of the boundary). Proposed building Block C to the north west (and which is positioned next to block A with a gap of approximately 8 metres between the two proposed structures) is entirely four storeys and is more consistent in height, varying between 12.85 metres (maximum) and 11.7 metres (minimum). This structure would also be positioned close to the north boundary with a set back of between 0.75 and circa 5 metres (this range is owing to the erratic nature of the boundary alignment at this point). The buildings are around 25 metres away from the listed buildings themselves, but much closer to the usable areas of the Station Masters Gardens.
128. The Council's Conservation Officer has expressed strong concerns about the relationship of these proposed building blocks to the listed buildings and the Station Masters Garden which is an important part of the curtilage and setting (paragraph 49 above). She concludes the proposed buildings, which are four and five storey's and mostly positioned on raised land, would dominate and overbear the listed building and significantly encroach upon its setting. The depth and content of the Heritage Statement is also criticised. The planning application is recommended for refusal in the light of these concerns.
129. The Heritage Statement submitted with the planning application considers the impact of the development proposals upon the setting of the Station Buildings includes the following commentary (in full):
- *The development has no physical impact on the Railway Station, and stands outside, but in part adjacent to, its curtilage. Its impact is only on the Station's setting. There are two aspects to this impact which is primarily visual, the physical relationship in terms of massing between the development and the south side buildings of the railway station and the visibility or otherwise of the development from the station platforms and to a lesser extent passing trains.*
 - *The massing of the proposed development is similar to the existing recent buildings, and in position stands back to respect and support the central buildings of the south side of the Station and to close out the visual gap on the south side of the station approach, creating a positive urban space at the station entrance where currently there is*

rather disorganised parking. This will enhance the setting of the station buildings on this side, particularly as viewed from the bottom of the hill to the east.

- *The garden and trees between the station and the development act as a discrete screen and buffer. No attempt is made to mimic the detail design of the Station, which would be difficult to do successfully and would probably detract from the station rather than enhance it.*
 - *The impact on the significance of the station in this respect is medium and beneficial as it enhances the immediate setting of the station entrance on the south side and activates the derelict site beside the station which is a positive outcome.*
 - *Visibility from the railway platforms is more subjective. It would be unreasonable to propose that new development should not be visible from the platforms as Railway stations by their nature attract dense development in their immediate surroundings – not having such development is what would be unusual and most railway stations have continuing development around them (ref Cambridge) which is very visible and not seen as negative.*
 - *These proposals will not be readily visible from the south platform near the station buildings. The skyline may be visible from the north platform but the proposed building is set back sufficiently for this not to be dominant or overbearing. The development will be visible from the platform ends but this is a much lesser impact.*
 - *Overall the visual impact will be minor and neutral.*
130. Officers disagree with the conclusions of the Heritage Statement with respect to the impact of the proposed development upon the setting of the station buildings and share those expressed by the Council's Conservation Officer. The relationship of the proposed development to, and impact upon, the listed station buildings and the apparent encroachment into and dominance of their settings is considered a significant dis-benefit of the proposals. Whilst this impact is a significant factor in the determination of this planning application, particularly in the light of the duty imposed upon decision makers in considering these impacts (paragraph 74 above), the impact is considered to result in 'less than substantial' harm to the heritage asset, as defined by the NPPF. Accordingly, the harm identified needs to be weighed against the public benefits of the development proceeding. This balancing exercise, which represents the officer view, is conducted later as part of the conclusions to this report.
131. The Burlingham Mill, a substantial and imposing historic, yet unlisted, structure is positioned to the south west of the application site. The Mill buildings are deemed to be non-designated heritage assets. Whilst tall, four storey buildings are proposed towards the south and south west of the application site (adjacent to the mill buildings), they would not

compete visually with the Mill Structure given its own height, bulk and brick built structure and the separation that would be retained between it and the new development. Furthermore, the development proposals would not affect or block any key townscape views of the Mill buildings which are concentrated to vistas from the west (Tayfen Meadows), east (Ipswich Street) and south east (St Andrews Street North). There are no concerns about the impact of the development proposals upon the Mill buildings including the setting.

132. An Archaeological Desk Based Assessment has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesigned heritage assets). The report explains there are no known below ground heritage assets within the application site, the greater part of which has already been subject to extensive remodelling to form level surfaces for the coal yards, goods sheds, railway sidings and tracks etc. that previously occupied the site.
133. It has been established, however, that there is some potential for as yet unknown archaeological remains to be present, particularly from the Medieval and Post-medieval periods. The reports suggest intrusive archaeological works may be required to explore this possibility further.
134. The Archaeological Service at Suffolk County Council has been consulted of the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertaken prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works are carried out and recorded.

Design Considerations

135. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
136. The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

137. With regard to the process of judging the design aspects of a particular development proposal the Framework advises, when appropriate, that major projects should be referred for a national design review. Officers have attempted to convince the applicants to participate in a design review of their scheme but this has been met with resistance. Accordingly, the scheme has not been the subject of design review, despite the National Planning Policy position and the importance placed on achieving a quality of design set out in Local Policy and the Framework.
138. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) making a positive contribution to local distinctiveness, character, townscape and the setting of settlements. Policy CS3 sets out more detailed criteria for achieving high quality design that respects local distinctiveness.
139. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals.
140. The planning application is a full application with all details included for consideration this this stage.

Relationship to context

141. The application site is located outside of, but is relatively close to the Bury St Edmunds town centre boundary and the Conservation Area. However, owing to the topography of the area and the architecture and nature of uses at and surrounding the site, it bears no relationship to the special and attractive character of these aforementioned areas.
142. There are a range of uses in the area, particularly in Station Hill where the character could fairly be categorised as 'transitional' given the visual influence and deteriorating impression of the Station Hill Masterplan site. Notwithstanding the negative characteristics of Station Hill, there is a scattering of listed buildings in the area, including the town's station buildings. The impact of the proposals upon the setting of the listed buildings is discussed elsewhere in this report. There is no particular 'palette' of existing building forms or architecture that could be used to define Station Hill. Accordingly, the application site is relatively unconstrained to a particular architectural style. Indeed, the hill itself is dominated on its western side by the contemporary 'Forum' structures. A range of blocks of flats of coloured render and modern form and detailing completed under a decade ago. These modern structures compete with the more utilitarian and former railway structures present on and behind the application site on the west side of Station Hill. The proposal's dense urban form and modern architectural detailing and materials would not, in your officers' view, appear out of keeping with the general character of Station Hill.

Scale and townscape impact

143. The application proposes a range of building scales from three-storey up to six-storey elements. The scheme is predominantly four storeys in scale, typically ranging from 12 to 13 metres in height. The tallest elements of the scheme are located at the Station Hill frontage at the crest of the hill close to the centre of the site frontage. These buildings have been designed and positioned to be seen and, from a prominent starting point at the crest of the hill, extend up to six storeys and 18.6 metres in height.
144. Other tall elements of the scheme would be positioned at the north end of the site where a further storey over the general four storey block is provided by basement accommodation (owing to the fall in levels along this part of Station Hill). This particular part of the building, which acts as a corner post to the scheme in front of the Station buildings would be 16.3 metres in height measured from ground level.
145. The buildings proposed by the application are tall and like the Burlingham Mill adjacent, some elements of the proposals, the six-storey structure in particular, would be seen from various vantage points in this part of the town. The visual prominence of some of the proposed buildings ought not be a matter of concern if the form and architecture of the prominent elements of the proposal are of sufficient quality and longevity to enhance the local townscape. In this case, the architecture of the scheme would be markedly different from the local vernacular, but pastiche architecture would not be appropriate given the heights proposed; there are no historic buildings of great height in the town (even the cathedral tower is of modern construction, and the Council Offices at West Suffolk House even more so).
146. The architecture of the buildings is not innovative or ground breaking and this might be explained by the economic circumstances of the site; it might be perceived by the developer there is limited spare capital to expend on unusual design or construction. Furthermore the proposed designs are not particularly 'risky' and do not attempt to make a strong architectural statement. The design and architecture of the scheme (setting aside the specific layout and listed building setting concerns for a moment) is not unattractive or offensive and the materials and colours employed would be of good quality, but the design approach to scheme does appear to be rather 'safe'. The chosen design solution is perhaps a missed opportunity to provide something more innovative and interesting. Nonetheless officers do not consider, on balance (and other than the conflicting relationship with the listed station buildings to the north and the layout of the site to the south), that the scale, architecture and outward appearance of the development would unacceptable.

Connectivity

147. Owing to the location of the site adjacent to the station buildings and railway line there are limited opportunities for connections to be made to the north, albeit the site is close the railway bridge and pedestrian crossing which enables passage from the site frontage onto Fornham Road and to a supermarket located conveniently to the north of the site. The town centre is a relatively short walk to the south (albeit with a hill to negotiate if the central retail core is the destination).
148. Pedestrian and cyclist infrastructure would be enhanced along the west side of Station Hill, along the application site frontage, as a consequence of this development. Opportunities are available for connections to be made from the application site to other parts of the Masterplan area as it comes forward for development. An under-croft pedestrian access is shown through one of the proposed building blocks to connect to the existing access track through to the rear parts of the Masterplan site. Whilst this link is unlikely to be used significantly at first, its importance would be enhanced as further development of the site occurs, and an access road with footpath and cycleway is provided along the corridor.
149. Further connectivity could be provided from the rear of the application site the rear parts of the wider Masterplan site. Such connectivity is not shown on the plans, but the potential is there given this area is shown for car parking use. If planning permission were to be granted for this development a condition could be imposed requiring further details of a connection at this point and a requirement to build it out to the boundary at an agreed time. It is likely, however, the connection would need to be closed until later development of rear parts of the Masterplan site, behind the application site, are realised and new links can be connected up to it.

Existing trees and hedgerows and new planting

150. A number of mature trees are situated within the Station Masters Gardens and some of these overhang the north boundary of the application site.
151. There are no significant trees or hedgerows within the application site. There are a number of mature trees within the Station Masters Gardens and some of these overhang the north site boundary, where development is proposed close to the boundary. The application material indicates some of these specimens would need to be subjected to significant works in order to enable development to proceed as illustrated. This would have the effect of significantly compromising the specimens to the extent their viability and longevity would be placed at significant risk.
152. Furthermore, given the proximity of a number of the proposed flats to these trees, and given the single aspect nature of these flats (with windows to rooms on one elevation only), it is likely these trees would restrict light to these windows particularly to the lower floors.

Accordingly, and if the proposed flats are built in the positions proposed there would likely be subsequent pressure from the occupants for further works and/or removal of the trees in order to enhance natural light and aspect.

153. The impact of the proposed development upon these trees is considered a dis-benefit of the proposals and whilst on its own might not be sufficient to refuse planning permission, it needs to be reflected in the final decision on the planning application when the benefits of development are considered against the dis-benefits. The matter will be revisited as part of the conclusions of this report where the planning balance is discussed.
154. The proposed development is high density with the vast majority of the site containing either buildings or hardstanding. The development would be devoid of greenspace and where this is provided, it is pushed towards the margins where undevelopable land is left over. Whilst some may consider the lack of greenspace and landscaping a concern, others will applaud the hard and dense urban character and form of the development in what is already a densely developed urban area.
155. Officers are not particularly concerned about the absence of green areas throughout the development site on aesthetical grounds (the matter of provision of public open spaces and recreational opportunities for the residents of the scheme is discussed later). However, in the light of the hard urban streetscape that would undoubtedly result from the scale and density of the proposed development, the provision of strategically located and large street trees becomes an important requirement in order to soften the hard lines of the modern and dominating architecture and to frame and create an attractive setting for the proposed buildings. The provision of street trees is particularly important in Station Hill, because it currently lacks greenery. The importance of enhancing the quality of the Station Hill carriageway is heightened given that people will use it to gravitate between the station and town centre; Station Hill provides a first impression of the town to rail passengers arriving through the station and the application site is therefore regarded as a 'gateway' site in that respect.
156. Whilst there are opportunities to provide some street trees along the Station Hill frontage, given the set back of the buildings, those illustrated on the drawings are poorly aligned and it is unlikely they could be provided along the entire frontage given that buildings are position closer to the frontage towards the north end of the site. Accordingly, the lack of opportunity for effective strategic landscaping (large tree provision) along the Station Hill frontage of the site is considered to be a dis-benefit of the development proposals which needs to be taken into the balance when considering whether of not planning permission should be granted.

Parking provision

157. The proposals include 123 car parking spaces (with 2 set aside for the commercial units) at an average of 0.9 spaces per dwelling. Car parking is provided communally and there are no covered garage spaces.
158. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking demand on existing roads. The communal parking courts proposed are particularly well overlooked by the development. Rear or remote communal car parking areas are not popular and can lead to demand for on-street parking in preference to a less-conveniently located parking court; there are none of these proposed as part of this development. Although parking courts are often an undesirable design feature because of the quantity of space they consume, their presence alone cannot merit a refusal of planning permission. The visual impact of the courts must be taken in to the overall balance.
159. Of particular concern in this respect is the prominence of the parking court proposed forward of the southern most of the four blocks of flats proposed by the planning application. The presence of a parking court forward of the proposed four-storey building which itself would be separated from the Station Hill frontage and would therefore appear at odds with the high density and enclosed character the architect has attempted to achieve (relatively successfully) further north.
160. The presence of a prominently located car park adjacent to the Station Hill frontage is undesirable and at odds with the car parking arrangements elsewhere in the proposals, which are generally concealed visually. The set back of the 'Block D' flats might be justified if an important vista were to be lost by positioning it closer to the site frontage. That is not the case here.
161. The provision of the frontage car parking would only serve to protect views over the redundant gasholder site and the adjacent Tayfen Road Masterplan site. The gasholder site is likely to be developed in the longer term with large 'bulky goods/convenience retail buildings which in themselves are normally of utilitarian form and appearance given their floorspace requirements. Views of St Andrews Church tower from the Station Hill carriageway are important, but would not be compromised at all if the building were to be positioned closer to the Station Hill carriageway. Similarly the setting of the listed Station buildings and the unlisted Burlingham Mill would not be compromised if this block of flats were to be re-positioned.
162. There are no urban design reasons which could justify the layout solution proposed for the southern most elements of the proposed development. Indeed, it appears the layout of this part of the site has been engineered in order to achieve a separated vehicular access from Station Hill into the frontage thus avoiding a potential 'ransom' situation from arising were this development to be accessed from the existing track (which has its own access onto Station Hill). The track is not

highway land and is owned/controlled by a third party. These commercial considerations are not material planning considerations, but the consequence of designing the scheme around them is a severely compromised urban form. Officers consider the unresolved layout of the south part of the site is a significant dis-benefit of the development proposals which must be taken into account in the planning balance.

Efficiency of layout

163. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and as a consequence it needs to be laid out efficiently in order to achieve an acceptable result. There is no evidence the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

Planning decisions should aim to ensure that developments ... optimise the potential of the site to accommodate development, create and sustain and appropriate mix of uses and support local facilities and transport networks.

164. The absence of that consideration (or perhaps the reporting of that consideration in the design and access statement) does not necessarily lead to the conclusion that the development is inefficient. On the contrary and given the high density nature of the proposed scheme with its reduced parking standards (reflecting its sustainable location in-between the town station and town centre) and limited green spaces, the proposals are considered highly efficient and sustainable in this respect.

Placemaking

165. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; for example the enclosure of the Station Hill carriageway from the centre east to the north east of the application site frontage and the creation of an attractive and enclosed urban courtyard within the larger part of the site. Elsewhere, however, there are some areas which would be much less successful in place-making terms including the areas in front of the Station buildings (the Station Masters House and garden in particular) and the paradoxical layout proposed to the southernmost elements of the site.
166. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed Opportunities' and matters which could be improved upon rather than matters which actually cause harm. In this case, however, the two main design criticisms of the development would cause significant harm to the setting of a listed building and compromise the quality of the streetscape that would be created.

External materials

167. The proposed materials (ref paragraph 8 above) would be appropriate to the location and are typical of what you would expect to find on a new flatted residential development. The range included in the materials palette would add visual interest to the proposal and complement the architectural quality of the scheme. The materials proposed in the application are considered acceptable.

Flood Risk, Drainage and Pollution

168. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
169. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
170. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
171. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from existing watercourses.
172. The flood risk assessment submitted with the planning application confirms that surface water will be managed via a Sustainable drainage system, predominantly via soakaways accommodating rain water from roofs (via sealed down pipes) and parking areas (via permeable paving). This is an improvement on existing systems which include an element of run-off to public systems.
173. The Environment Agency has confirmed its view that the attenuation capacity of the system needs to be increased in order to cope with repeat storm events. The Agency has recommended conditions are imposed upon any planning permission granted requiring the submission of a detailed surface water drainage system for approval. This would ensure the Agency's concerns about attenuation capacity are addressed and a suitable surface water system is provided to serve the development.
174. The planning application is accompanied by a Phase I and II Geo-environmental report. The report concludes that contaminants are present on the site (at relatively low levels) but are not particularly

hazardous or pose a risk to human health, particularly given that all of the proposed units would be flats with no private gardens. The report recommends further intrusive survey work is carried out post demolition to enable areas beneath existing buildings to be properly investigated. It also recommends further groundwater investigations are carried out. These 'actions' could reasonably be required by conditions of a potential planning permission. Indeed, both the Environment Agency and the Council's Environmental Health Officer have requested conditions to this effect.

175. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate further investigation of contamination and subsequent mitigation.
176. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations, subject to the imposition of suitably worded conditions, as discussed.

Residential amenity

177. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
178. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

Impacts upon residents of the proposed development

179. The application site is situated near to the Stowmarket to Cambridge railway line and the A14 Trunk Road such that there is potential for the occupants of the proposed development to be adversely affected by intermitted noise from trains passing by their properties and the more constant traffic noise from the A14. The application site is also positioned close operational railway sidings currently used for the transfer of minerals.
180. The Council's Environmental Health Officers have not raised concerns with respect to noise disturbance and have requested conditions are imposed upon any planning permission granted to provide acoustic protection in the construction of the dwellings. These measures are

considered reasonable and would serve to safeguard the potential residents of the scheme from significantly adverse noise impacts.

Impact upon existing residents

181. Some existing residents living close to the application site may be affected by the proposed development. In particular there are some existing flats which front the application site on the opposite side of Station Hill and will front towards some of the buildings proposed by this planning application. The degree of separation between the frontages of existing and proposed dwellings is such that there are no concerns arising about potential (harmful) overlooking, dominance or loss of light to the existing dwellings. It is telling that none of the occupiers of these flats have objected to the planning application to develop the application site frontages.
182. There is likely to be an increase locally in the noise environment during periods of construction. Such impacts are common to developments of this type where large sites are developed adjacent to existing dwellings. The impacts, although potentially adverse, would not be significant such that the occupiers' enjoyment of their properties would be compromised. Accordingly the proposals are considered acceptable with respect to their potential impact upon existing residents.

Sustainable construction and operation

183. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
184. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
185. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

186. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
187. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.
188. The planning application was submitted over a year in advance of the adoption of the Joint Development Management Policies Document and is therefore not accompanied by a statement confirming how Building Control requirements for energy efficiency will be achieved. The Design and Access Statement does not suggest any methods will be used above standard Building Control Requirements, which is currently deemed acceptable by National Planning policy and related national guidance.
189. The planning application does not address water efficiency measures and does not presently propose a strategy for minimising water use. The proposals are therefore contrary to policy DM7 of the Joint Development Management Policies Document in this respect. Given that the planning application was submitted in advance of the plan (and policy DM7) being adopted it is, on this occasion, considered reasonable to impose a condition requiring these details to be submitted at a later date and the agreed measures subsequently incorporated into the construction/fitting out of the development.

Planning Obligations

190. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
191. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.

192. The following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts)

Affordable Housing

193. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
194. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
195. Core Strategy Policy CS5 requires 39.9 of the 133 dwellings to be secured as 'affordable' (80% (32 no.) for affordable rent and 20% (7no) for shared ownership. The applicant has offered 13 dwellings as affordable (just under 10%) citing adverse viability for the below policy levels. The viability of the development and its impact upon affordable housing provision in particular is considered later in this report.

Education

196. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
197. Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.
198. The Local Education Authority has confirmed, post School Organisational Review, there is no capacity at local primary and secondary schools (including Sixth form) to accommodate the pupils forecast to emerge from this development and has requested developer contributions to mitigate impacts. The contributions would be used towards delivering additional school places in the catchment. The applicants have agreed, in principle, to provide the contributions and these could be secured via S106 Agreement.
199. Suffolk County Council has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) whom are forecast to reside at the development. The applicant is not willing to provide this contribution on the grounds of adverse viability. The absence of this contribution is considered a dis-benefit of the

proposals and thus needs to be balanced against the perceived benefits in determining whether planning permission is to be granted for the development. The planning balance is discussed in the Conclusions at the end of the report.

Public Open Space

200. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
201. Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.
202. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
203. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
204. The Masterplan document illustrates that strategic open space provision will be provided off-site in later phases of the masterplan and a separate area which will ultimately serve both the Station Hill and Tayfen Road Masterplan developments. The absence of public open space within the site is acceptable in principle, but only on the assumption the development contributes towards accessible public open space elsewhere. The calculator included in the Open Space SPD can be used to calculate the required contributions. These are as follows:
- | | |
|---|--------------------|
| • Parks and Gardens | £38,178.00 |
| • Natural and Semi Natural Green Spaces | £7,953.75 |
| • Green Corridors | £4,613.18 |
| • Amenity Greenspaces | £4,135.95 |
| • Provision for Children and Young People | £90,142.50 |
| Total contribution require | £145,023.38 |
205. Following the enactment on Regulation 123 of the CIL Regulations in April this year, which deems the pooling of more than five developer contributions towards infrastructure categories unlawful, it is no longer possible to secure developer contributions towards i) outdoor sports facilities, ii) allotments, community gardens and urban farms iii) churchyards and cemeteries or iv) built facilities.
206. In this case, a policy compliant position would see the delivery of 1,644sqm (0.1644ha) of 'open space' on the application site (circa 14% of the total site area). The application effectively proposes no on site 'open space' and does not presently offer contributions to be used towards off-site green infrastructure to compensate the shortfall in

provision. This is contrary to the SPD and the requirements of the aforementioned Development Plan policies.

207. The absence of public open space is a significant dis-benefit of the proposals and needs to be considered in the overall balance when considering whether the dis-benefits of the development (as a whole) significantly and demonstrably outweigh the benefits.

Libraries

208. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £21,780. The County Council is yet to confirm how and where the contribution they have requested would be used. They will need to do this in order to satisfy the tests set out in at Regulation 122 of the CIL Regulations (paragraph 190 above). The recommendation at the end of the report makes provision to refuse planning permission in the absence of this contribution being secured from the development should it subsequently be justified to do so.

Health

209. The NHS Property Services has confirmed there is sufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, no health contribution is to be secured from the proposed development.

Highways

210. Network Rail, as owner of other land forming part of the wider Station Hill Masterplan site, has objected to the planning application on the grounds that (inter alia) no mechanism is in place or proposed to secure contributions from the development to off-set potential cumulative impacts upon infrastructure arising from anticipated development at the Station Hill and Tayfen Road sites. Potential impact upon the highway network is cited as a particular area of concern in this respect.
211. The approach suggested by Network Rail is not reasonable and would be contrary to the legal tests set out at Regulation 122 of the CIL Regulations (paragraph 190 above). There is no certainty that development of the later sites will be realised, and even if they are the delivery timetable cannot be predicted with certainty. It is unlikely that the Station Hill Masterplan development, as a whole, will be delivered in a reasonable timescale. Accordingly, and given the relatively short payback periods which are appropriately included in S106 Agreements, it is unlikely that a 'cumulative impact' contributions would be able to be used within a reasonable time period and would likely be returned to the developer unspent before the all of the contributions could be secured. In any case, the Highway Authority has not requested a contribution to off-set cumulative impacts probably because it has not found it possible

to determine the nature of the works that would be required given the uncertainties that exist.

212. In light of the above, the impact of each individual development must be considered on its own merits in the light of prevailing conditions and committed developments (with planning permission) at the time the development is proposed. Appropriate S106 contributions should be secured from developments being proportionate and directly related to the impacts arising from that development.

Development Viability

213. The Framework states under the heading of 'Ensuring viability and deliverability' (paragraph 173);

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

214. The National Planning Practice Guidance sets out the following advice on development viability:

215. "Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.

216. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."

217. The Growth and Infrastructure Act inserted a new Section 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. Obligations which include a "requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market" are within scope of this new procedure. The purpose of this legislative amendment is to unlock stalled developments that have 'unrealistic' planning obligation requirements by

allowing the developer opportunity to review (and reduce) affordable housing requirements if it can be demonstrated that delivery of the development is being stalled on financial viability grounds. Whilst not directly relevant to this planning application (which is not a S106 Agreement review) it does serve to demonstrate the direction of travel for S106 Agreements and that viability (the ability to deliver housing development) is a material planning consideration which must be taken into account, particularly when negotiating financial contributions from developments.

218. The applicants have submitted a viability assessment with the planning application (amended in November 2014) which demonstrates the development would not be deliverable with a policy compliant S106 package. The viability report is a confidential document and therefore is not available for public consumption. The report claims that the development proposals would not be deliverable with a 'policy compliant' level of S106 contributions.
219. There are no Development Plan policies that relate specifically to development viability although Core Strategy policy CS5 (Affordable Housing) states that targets for affordable housing provision are subject to viability being demonstrated, using whatever public subsidy may be available in the case. If the target cannot be achieved, the affordable housing provision should be the maximum that is assessed as being viable.
220. The Joint Affordable Housing Supplementary Planning Document provides further guidance about testing development viability, including commissioning independent advice, at the developers' expense. In this case, the Council commissioned Chris Marsh Associates (CMAA) to critique the viability assessment. The Viability Assessment and the critique carried out by CMA are not discussed in detail in this report given their strictly confidential nature. The applicants have, however, agreed to share these documents with Committee Members on the understanding that the sensitive information contained within them will not be shared with third parties nor debated in public session. Copies of these documents are therefore provided to Committee Members as confidential papers to be read alongside this Committee report.
221. Core Strategy Policy CS14 does not make any concessions on viability grounds so when this policy is considered alongside CS5 which does make those concessions; it suggests that where a viability case is demonstrated, it is the level of affordable housing that should be reduced. Indeed this approach is supported by the new provisions of the Planning Act discussed at paragraph 217 above.
222. Nonetheless, the provision of affordable housing is a key corporate and political priority of the West Suffolk Authorities and policy CS5 does require the maximum level of affordable housing should be provided from new developments, within the parameters of scheme viability. Furthermore the Affordable Housing SPD confirms, in cases where viability is demonstrated to justify a reduction in affordable housing

provision, other obligations should be reviewed (on a priority basis) to establish whether the affordable housing offer could be increased.

223. A review of the other planning obligations sought from the development has been carried out and (with the possible exception of the libraries contribution which is yet to be properly justified) all of the contributions are required in order to make the development sustainable. Accordingly, these provisions should be prioritised over affordable housing provision in order to ensure the development is sustainable with respect to infrastructure provision.
224. Given that costs and values in the housing market are constantly changing and that the viability assessment is likely to be out of date and irrelevant to current market conditions, it should be refreshed prior to the completion of any S106 Agreement to ensure the level of developer contributions is maximised. However, given that the application is recommended for refusal, an additional reason for refusal has been added to the recommendation to ensure development viability is re-assessed or refreshed prior to the determination of a potential appeal.

Summary

225. The viability of the scheme does not allow for a policy compliant level of S106 contributions to be gained from the development. However, and in accordance with Government policy (paragraph 173 of the NPPF in particular), the absence of contributions to be used towards open space and recreational/green space infrastructure, early years education and (subject to confirmation) libraries provision is regarded as a significant dis-benefit of the scheme to be taken into account in the planning balance. The applicants have decided to amend their scheme to provide an element of affordable housing instead of the other important infrastructure contributions. A request has been made to determine the planning application in its current form.

Conclusions and planning balance

226. Paragraph 14 of the NPPF policy BV1 of Bury St Edmunds Vision 2031 and Policy DM1 of the Joint Development Management Policies document places a presumption in favour of sustainable development and, where the development plan is (inter alia) out of date or there are no relevant policies, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies on the Framework taken as a whole.
227. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. Furthermore, the proposals include two small commercial units which would provide an element of employment post construction. The development would, subject to the completion of a S106 to secure a

package of mitigation measures, provide additional infrastructure of wider benefit – including primary, secondary and sixth form education provision.

228. On the other hand, the scheme would, in the absence of appropriate contributions, place additional burdens upon other infrastructure including green infrastructure, early years education provision and libraries. This is considered a significant dis-benefit of the development which significantly undermines the sustainability credentials of the scheme.
229. Furthermore the two commercial units proposed to the north east of the application site would not be serviced from within the application site. This is likely to lead to delivery vehicles using the Station Hill carriageway or the station forecourt to conduct their business. The absence of servicing facilities for the commercial units is a dis-benefit of the development proposals.
230. In terms of the social role of sustainability, the development would provide a level of market and affordable housing to meet the needs of present and future generations which is a benefit to be afforded significant weight. The development would also result in a dense but liveable urban environment at a highly sustainable location. Again, the absence of any developer contributions to offset identified impacts upon public open space provision, libraries and early years education provision would place additional social pressures upon the occupiers of the development.
231. The absence of capacity at the local schools to cater for the pupils emerging from this development on a permanent basis is regarded as a dis-benefit of the development but is capable of full mitigation by provision of classroom extensions which would be funded in part by developer contributions from the scheme.
232. In relation to the environmental role significant environmental benefits would accrue from the redevelopment of the site which is hoped would act as a catalyst for further development of the wider Station Hill masterplan site and the nearby Tayfen Road masterplan site. Considerable improvements would also be made to the visual appearance of the immediate environment of Station Hill. Information submitted with the planning application indicates there would be net biodiversity gains arising as a result of development which itself counts as an environmental benefit of the proposals.
233. There are some aspects of the layout, design and scale of the proposed development where significant environmental dis-benefits would occur. In particular the settings of the adjacent Grade II listed Station buildings would be severely affected by the oppressive nature of the scale and siting of some of the buildings proposed adjacent to the north site boundary. The development would also adversely impact on a number of mature trees within the curtilage of the Station Masters gardens and would place further pressure to fell them in the future given their close

proximity to windows included on the proposed buildings. Similarly, at the southern end of the site, the layout of proposed Block D and its parking provision is ill conceived and would severely compromise the design qualities of the scheme. The proposed development layout also lacks opportunities to include large street trees which could help to soften and frame the hard urban development proposed by the application.

234. Officers consider the identified dis-benefits arising from these development proposals would significantly and demonstrably outweigh the identified benefits. It is concluded that development of the site in the manner proposed would not represent the standard of sustainable development required by the Framework. The development proposals would not be sustainable and would be contrary to national policies set out in the Framework and a number of key and up-to-date Development Plan policies. Consequently, paragraph 14 of the Framework (and Development Plan policies BV1 and DM1) direct that planning permission should be refused.

Recommendation:

It is **RECOMMENDED** that planning permission is **refused** on the following grounds (summarised):

- The development is not sustainable as defined in the Framework and is not in accordance with relevant Development plan policies. The benefits of development are significantly and demonstrably outweighed by its dis-benefits, in particular:
 - i) the significantly adverse impact of the development upon the setting of the Grade II listed station buildings.
 - ii) the adverse impact of the development on trees of high amenity value, including increased future pressure to curtail or remove the specimens given the close proximity of the proposed development to them.
 - iii) the ill conceived layout of the south part of the application site, in particular the failure to enclose the Station Hill carriageway at this point and poorly placed and prominent communal car parking areas forward of the proposed 'Block D' building.
 - iv) the absence of adequate space within the application site for service/delivery vehicles to the commercial units.
 - iv) the absence of a mechanism to secure the infrastructure and an affordable housing package that could viably be secured from the development and, moreover, the unwillingness of the applicant to provide necessary contributions to off set adverse impacts and/or increased pressure upon green infrastructure, early years education and libraries.

v) the out of date nature of the viability assessment which informs the level of affordable housing provision offered as part of the development proposals.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

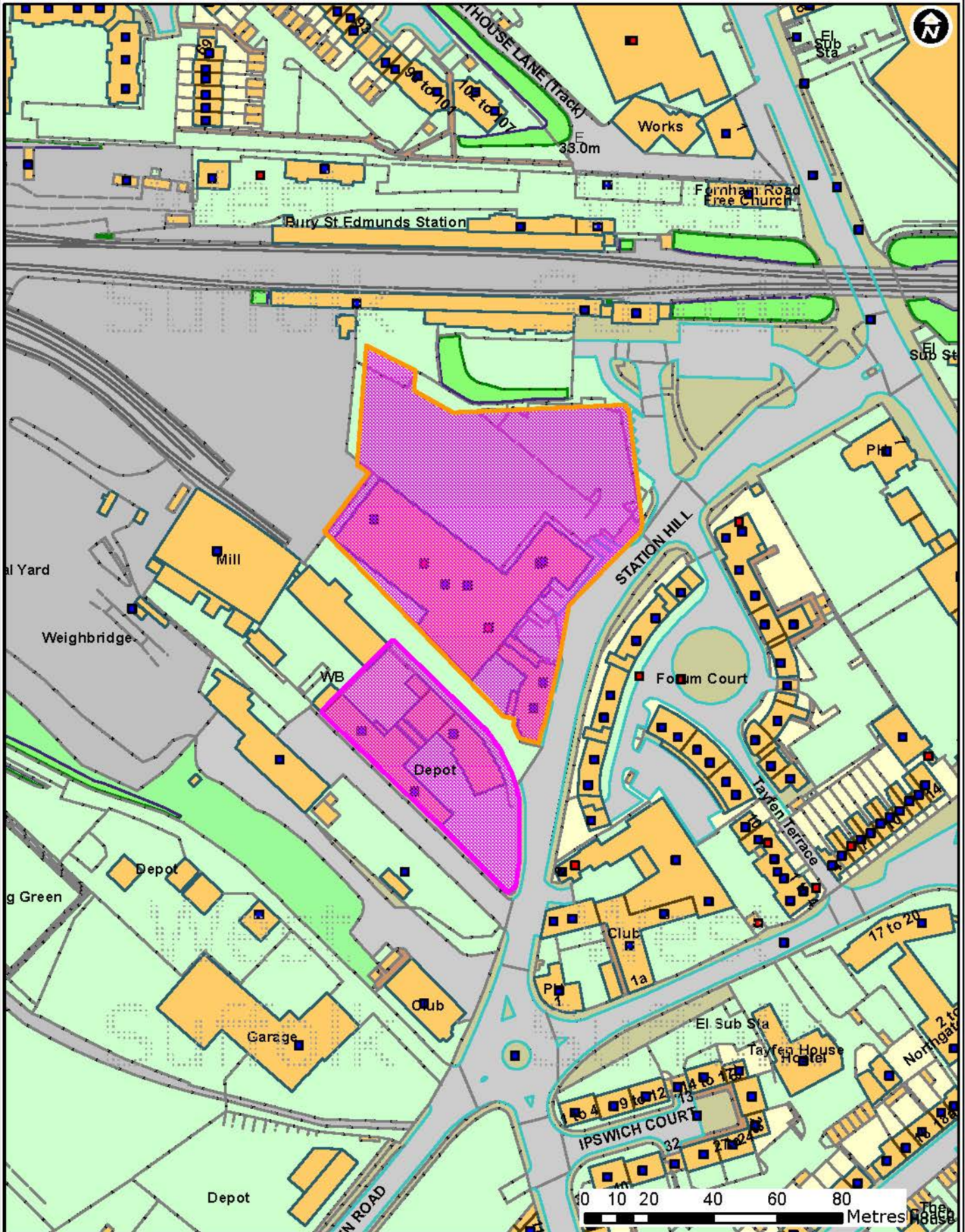
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY3J6JPDHOK00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY.

Case Officer: Gareth Durrant

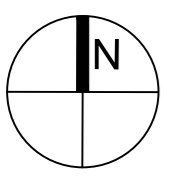
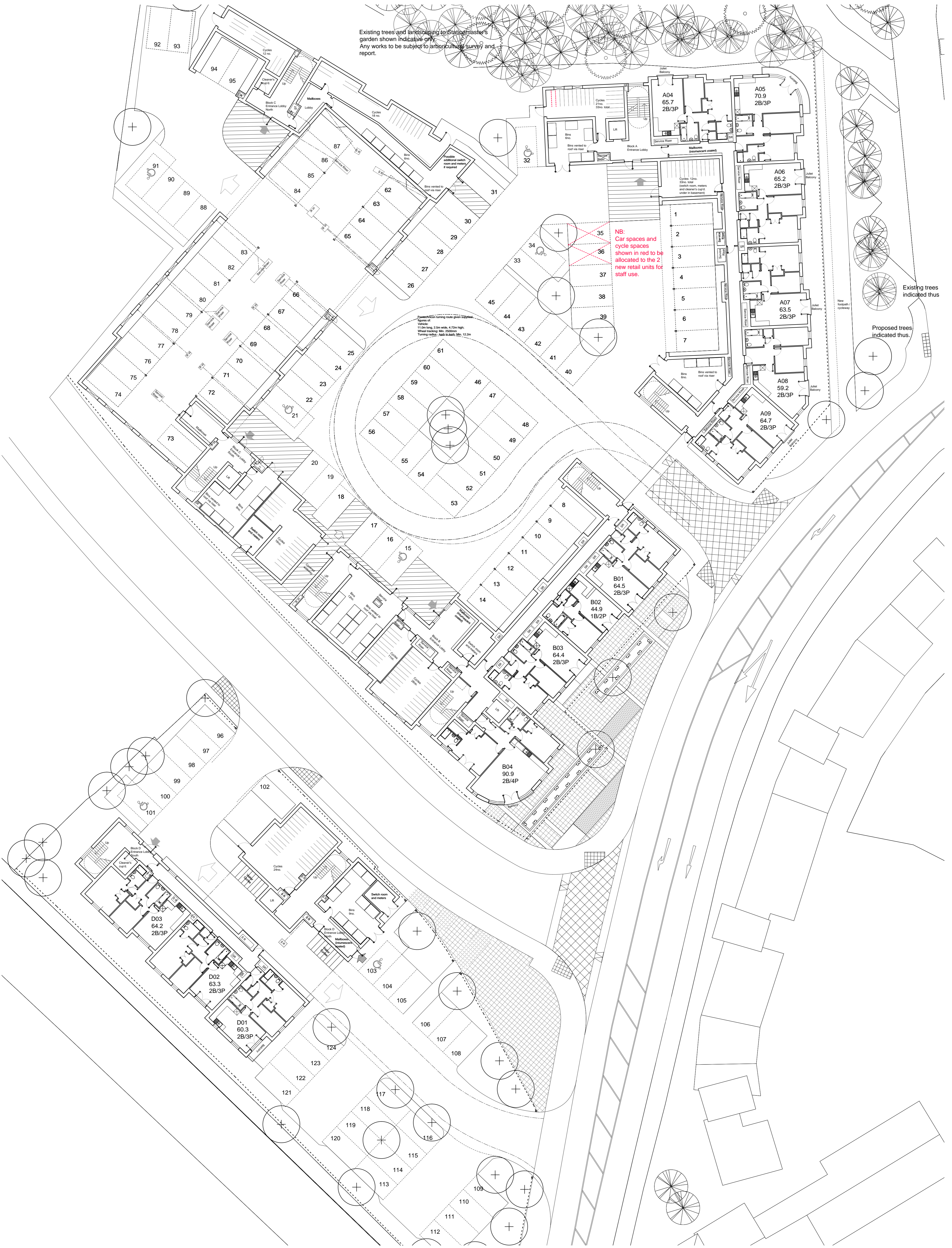
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Existing trees and landscaping to Stationmaster's garden shown indicative only. Any works to be subject to arboricultural survey and report.



REV	DATE	CHK	AMENDMENTS	NOTES
D00	16.10.2014	df	New spine road added and Station Hill widened.	XXX
D01	17.02.2015	df	Parking / cycle spaces allocated to new retail units.	XXX

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CLIENT
Hopkins Homes
 JOB
Station Hill
Bury St. Edmunds
Suffolk

DRAWING
Masterplan - Ground Floor Plan
New Spine Road

PLANNING			
SCALE	PAPER	DATE	REV
1:200	A1	Oct 2014	
JOB	DWG	REV	
7495		131	D01

I:\7495 Station Hill, Bury St Edmunds\K-CAD drawings\01-Current Drawings\AA-Master\01-Plan\Autocad Revit Export\Emily's Basic Flat Plans 2014 10 09.dwg\131 GF Plan Phase 2\ISO full bleed A1 (594.00 x 841.00 MM)\David Farrow\2172015 11 14 AM

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 August 2015

Planning Applications:

**DC/14/0470/FUL – Land South West of The Bull;
DC/14/0474/FUL Land East of The Bull; and
DC/0507/OUT – Land at The Bull
at The Street, Troston**

Date	17 March 2014	Expiry Date:	12 May 2014
Registered:			(but formal extension of time agreed with applicant).
Case Officer:	Dave Beighton	Recommendation:	Subject to the signing of S106 Agreement
Parish:	Troston	Ward:	Pakenham
Proposals:	DC/14/0470/FUL - Planning Application - Change of use of Agricultural land to Amenity/ Recreational village use (Resubmission of SE/13/0820/FUL), as amended by revised plans received on 11 September 2014 reducing the overall extent of proposed amenity space and as further amended by revised plan received on 4 June 2015 to include the provision of a new access and car parking area from Livermere Road.		
	DC/14/0474/FUL - Planning Application - Erection of: (i) a pair of semi-detached two storey dwellings; and (ii) erection of garage, as amended by site layout plans received on 20 May 2014 as amended by revised plans received on 11 September 2014.		
	DC/14/0507/OUT - Outline Application - (i) Erection of 8 no. dwellings; and (ii) construction of new access (means of access, landscaping and layout under consideration), as amended by		

revised plans space received on 11 September 2014 altering the indicative position of the dwellings and the location of the proposed amenity and as further amended by revised plan received on 4 June 2015 indicating the layout of the proposed junior children's play area.

Site: Land South West of, East of, and at The Bull, The Street, Troston, Bury St Edmunds

Applicant: Greene King

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached applications and associated matters.

CONTACT CASE OFFICER: Dave Beighton
Email: dave.beighton@westsuffolk.gov.uk
Telephone: 01638 719470

Background:

These applications were previously presented to the Committee in January 2015. All three received resolutions to grant planning permission subject to conditions, and subject to the completion and signing of a S106 Agreement.

The housing proposed within Applications DC/14/0474/FUL and DC/14/0507/OUT is located within land presently allocated for public open space. The S106 Agreement as originally proposed by officers, and as presented before Members previously, sought to ensure that the replacement public open space was available before any development took place on the approved housing site. This was in accordance with the then adopted Local Plan Policy L5.

For reasons that are set out in greater detail within this report, the owner is looking to negotiate on this point such that some housing development can commence prior to the final completion of the replacement open space. Noting that to agree to such would be strictly at odds with the resolution of the Committee in January, and in discussion with the Chairman and Vice Chairmen of the Committee, this matter is presented back before Members for further consideration.

This report discusses the matters in relation to all three applications taken together, since the issues for discussion are common. For context, Members will note that the three previous separate Committee reports from January 2015 are included as Working Papers for reference.

Very modestly amended plans have also been received in relation to DC/14/0570/FUL and, noting the changes proposed to the S106 Agreement, a further consultation has taken place with Troston Parish Council. The Parish have advised that they have no objections to the proposed changes to the S106 Agreement in relation to all three applications.

All three applications remain recommended for approval subject to the conditions below, and to the signing of a S106 Agreement.

Application Details:

1. Please see reports at Working Papers 1, 2, and 3.
2. The only change since the matter was previously before Members relates to the submission of an amended plan in relation to DC/14/0470/FUL. This proposal now includes the provision of a separate access into the site from Livermere Road, as well as the provision of ten parking spaces adjacent to the public open space. A further consultation has taken place in relation to this change.

Site Details:

3. Please see reports at Working Papers 1, 2, and 3.

Application Supporting Material:

4. Please see reports at Working Papers 1, 2, and 3.

Planning History:

5. Please see reports at Working Papers 1, 2, and 3.

Consultations:

6. Please see reports at Working Papers 1, 2, and 3.

Further Consultations

7. Troston Parish Council – No objection to all three proposals, including the proposed revisions to the S106.
8. Suffolk County Council Highways – No objections, subject to the imposition of conditions.

Representations:

9. At the time of publication of this report no letters of representation have been received to any of the various consultations in relation to any of the three proposals.

Policies:

Development Plan

10. Please see reports at Working Papers 1, 2, and 3.
11. Since the matter was presented before Members in January 2015 the Authority has adopted the Joint Development Management Policies.
12. Weight was attached to these, noting the advanced stage at the time the matter was before Members, but the position now is that full weight can be attached to these policies. These policies of the 2006 Local Plan which were superseded following the adoption of the Joint Development Management policies are no longer of any material weight. This is important since it should be noted that Policy L5 is no longer relevant.
13. The following policies are therefore now particularly relevant to the consideration of this application.
14. Policy DM5 – Development in the Countryside. This protects the countryside from unsustainable development and includes supporting the principle of essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside.
15. Policy DM42 – Open Space, Sport and Recreation Facilities. This policy supports proposals for the provision, enhancement and / or expansion of amenity, sport or recreation open space or facilities, subject to compliance with other policies.

Officer Comment:

16. The issues to be considered in the determination of this application are:
- Principle of Development now in light of the changes proposed to the S106.

Principle of Development

17. These applications seek planning consent for matters broadly as they were at the time the DC Committee resolved to approve in January. The only change is the provision of an additional access from Livermere Road and the provision of a modest number of additional car parking spaces. Consultation with the County Council indicates no issue with this change and, from a wider planning perspective, they are considered unobjectionable as well. The access is located on a straight section of road, and will neither be harmful to highway safety nor will it be unduly visually prominent, such that concern could be raised. Likewise the car parking spaces and circulation areas within the site are modest in extent and suitably sited such that no material objection can be raised.
18. Accordingly, it can be concluded that the changes that have taken place to the schemes since these matters were last before Members have not made any material impact on the decision made at that time.
19. Members will also note that extensive discussion was made previously in relation to the then emerging policies. Following their subsequent adoption, and following the superseding of the 2006 Local Plan, Officers advice remains that the recommendations made and decisions reached in January 2015 remain relevant, all other matters set aside.
20. This simply leaves fresh consideration of the proposed changes therefore to the terms of the S106 Agreement, and to any associated conditions. As previously drafted, and as endorsed by Members in their resolution, the matter previously sought to secure the completion of the replacement public open space prior to the loss of the existing. This was in accordance with Policy L5 of the 2006 Local Plan.
21. Members will note that Policy L5 is no longer extant in any event, and that reliance on paragraph 74 of the NPPF is considered now to be the most up to date policy position. This simply requires that any loss of any open space should only be allowed where it will be replaced by equivalent or better provision in terms of quality and quantity, and in a suitable location. Crucially, there is no longer the test that formerly existed in Policy L5 in relation to the replacement space being provided prior to the loss of the existing.
22. Rather than to ensure that the replacement space is completed prior to the commencement of any works on the houses, the applicant is in fact seeking to make some changes to the timings of delivery of the various elements. This has resulted from the marketing of the site, and from resistance that has arisen from prospective developers because of the terms of the S106, which it is claimed affect the deliverability of the entire proposal. As originally proposed, the S106 sought to totally restrict development of the site until the replacement open space was ready. Noting the need to level and seed and then maintain the pitch for a period of perhaps 18 months to two years in totality before any works could even commence on the

housing, this has led to a muted interest from developers. It should be noted and respected that the stance adopted in the previous recommendation and resolution on this point was wholly compliant with the Policy terms extant at that time.

23. In an effort to make the site more attractive to prospective developers, the land owner has therefore requested some changes to the S106. These seek to bring the housing development forward at an earlier stage than otherwise secured through the draft conditions and draft S106 previously. In effect these seek to prevent any occupation of the new dwellings until the new amenity land has been laid to seed (which will first also need to have been drained and levelled suitable for a football pitch, in accordance with the proposed conditions), for the older children's play area to be provided before three occupations, for all the amenity land to have been provided, including landscaping, before seven occupations, and for the junior children's play area (in effect the replacement for the existing play area) to be provided before any occupation. No changes are otherwise proposed to the layout or standard of the replacement amenity space, simply changes are requested relating to the timescales of delivery relative to the delivery of housing.
24. Reflecting on the difficulties experienced by the present owner in marketing the site, and acknowledging in any event the changed policy position and the fact that Local Plan Policy L5 has been superseded, Officers have sympathy with the argument. Whilst the position has only been articulated anecdotally by the agent it is accepted on its own face as being reasonable. Noting also the continuing support for these changes from the Parish Council, and the lack of material objection from any other parties, and Officers consider that a positive approach should be taken and that the changes to the S106 should be supported, with consequential changes to the suite of recommended conditions.
25. The conditions as recommended by Officers in relation to each of the applications are set out below. The recommendations remain to approve subject to these conditions, and subject to the signing of the S106.
26. There are no other factors that would justify a contrary recommendation.

Conclusion:

27. The applications taken together seek to provide an enhanced amenity and public open space area for the village and, in principle, this can be supported. In conjunction with this a suitable and sustainable level of additional housing will also be provided. The schemes raise no issues of detail that would preclude development.
28. Members should note the relationship between these applications. Whilst they should all be considered separately and on their merits Members should note that if concern is raised in relation to DC/14/0470/FUL and if for any reason it is refused, then as before Officers would wish to consider the suitability of their recommendation on DC/14/0474/FUL and DC/14/0507/OUT in light of such a refusal.

Recommendations:

29. That subject to the signing of a S106 Agreement to provide for a maintenance sum for the site, that planning permission be granted subject to the following CONDITIONS:

DC/14/0470/FUL

1. Time limit – outline (01B)

2. Compliance with plans (14FP)

3. Prior to the first use of the amenity space hereby approved a scheme for the burying and / or re-routing of the existing overhead power cable through the site, and for the removal of the existing pylon, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for the undertaking of the works. The development shall thereafter proceed in accordance with this scheme and with any timescales agreed within it.

Reason: In the interests of ensuring suitable replacement play provision.

4. Boundary treatments (12B).

5. Construction Hours (14D – 08:00 18:00 Monday to Friday, and 08:00 – 13:00 Saturday, with no working on a Sunday or Bank Holiday)

6. Details of hard landscaping, and implementation (23J)

7. Details of soft landscaping, and implementation (23C)

8. The trees shown on the submitted landscape drawing (3382-D-2, Rev B) to be retained shall be protected in the manner shown on Hayden's 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan' report dated 12th March 2014 (reference 3382 -D Revision B) or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

9. Prior to the commencement of development a scheme of ecological enhancements, including timescales for the delivery and provision of any such enhancements, to be provided in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. Any such scheme as may be agreed shall thereafter be implemented. Reason: In the interests of ecological enhancement in accordance with the requirements of the NPPF.

10. Prior to occupation, a "lighting design strategy for biodiversity" for the entire site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. Reason: In the interests of protecting biodiversity on and around the site in accordance with the requirements of the NPPF.

11. All ecological measures and/or works shall be carried out in accordance with the details contained in the Phase 1 Ecological Assessment dated 10th September 2013 (reference 704,EC/LRS,TP/10-09-13/V1) and the Reptile and Bat Surveys Report dated 09th June 2014 (reference 850,EC/TP,AD/09-06-14/V1 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall also include a re-survey of T15 prior to its removal to check for the presence of bats. Reason: In the interests of protecting biodiversity.

12. No use of the amenity space hereby approved shall take place until:

a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This scheme should also indicate proposed pitch markings (including adequate safety run-offs) for the site which should meet Sport England/NGB recommended guidelines, as set out in Sport England's guidance document 'Natural Turf for Sport' (2011).

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field.

13. Notwithstanding the submitted site plan, and prior to the first use of the amenity space hereby permitted, a detailed pitch layout plan shall be submitted to and approved in writing by the local planning authority. The plan shall indicate pitch(es) to meet Sport England/FA guidelines as set out in Sport England technical guidance document 'Natural Turf for Sport' (2011), with regard to pitch sizes and safety run-off areas. The approved scheme shall thereafter be implemented in accordance with the details contained within this scheme. Reason; To ensure that new pitches are provided to sizes (including safety run-offs) to meet Sport England/FA guidelines.

14. The use shall not commence until the area(s) within the site shown on Drawing No 6038 - 109 - E for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

15. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

DC/14/0474/FUL

1. Time limit (01A)
2. Compliance with plans (14FP)
3. Samples of external materials (04C)
4. Boundary treatments (12B).
5. Construction Hours (14D – 08:00 18:00 Monday to Friday, and 08:00 – 13:00 Saturday, with no working on a Sunday or Bank Holiday)
6. Details of hard landscaping, and implementation (23J)
7. Details of soft landscaping, and implementation (23C)
8. The trees shown on the submitted landscape drawing (3382-D Rev B) to be retained shall be protected in the manner shown on Hayden's 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural

Method Statement & Tree Protection Plan' report dated 12th March 2014 (reference 3382 Revision B) or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

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 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 9 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 the National Planning Policy Framework (2012).

11. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form. Reason: To prevent hazards caused by flowing water or ice on the highway.
12. Occupation of either of the dwellings hereby permitted shall not commence until the area(s) within the site shown on drawing 'Highway Layout' received to planning helpdesk dated 20th May 2014 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes. Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
13. Contaminated Land Condition (15A).

DC/14/0507/OUT

- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission;
 - or
 - ii. The expiration of two years from the final approval of the reserved matters;
 - or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of the appearance and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development

- 3 No development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

- 4 No development shall commence on the dwellings hereby permitted until samples of the facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority.

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

- 5 No dwellings shall be occupied until details of the treatment of the internal and external boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted. The details shall also specify the timing of the provision of the matters to be agreed. The approved screen walling and/or fencing shall be constructed in accordance with the agreed timescales. The approved soft landscaping to be planted shall be done so within 12 months of the date when the dwelling to which it relates is first occupied. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted.

Reason: To ensure the satisfactory development of the site.

- 6 Demolition and construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 7 No dwelling shall be occupied until full details of a hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To enhance the appearance of the development.

- 8 No dwellings shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping 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 numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- 9 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, shall be submitted to the Local Planning Authority at the same time as the details of the soft landscaping for consideration as part of the hard and soft landscaping scheme (referred to in Condition 8 above). The landscape management plan shall be carried out in accordance with the approved details and timetable.

Reason: To enhance the appearance of the development.

- 10 The trees shown on the submitted landscape drawing (3382-D-1) to be retained shall be protected in the manner shown on Hayden's 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan' report dated 12th March 2014 (reference 3382 Revision B) or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

- 11 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 the National Planning Policy Framework (2012). Noting this, it is important that this is a pre-commencement condition and that works are undertaken prior to any material groundworks on site.

- 12 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 11 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 the National Planning Policy Framework (2012).

- 13 No dwelling shall be occupied until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to first occupation. Thereafter the access shall be retained in its approved form.

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

- 14 Prior to any of the dwellings hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5m metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

- 15 Prior to the first use of the access hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

- 16 Prior to the first occupation 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.

- 17 No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse 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.

- 18 The driveways and, where shown on drawing 6038 106 revision B, garage parking spaces, for each dwelling shall be made available for use prior to the occupation of the dwelling and shall thereafter be retained for these purposes. Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to those car parking spaces.

Reason: In the interests of highway safety and to ensure adequate vehicular parking provision within the site is provided and maintained.

- 19 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

- 20 Prior to the commencement of development a scheme of ecological enhancements, including timescales for the delivery and provision of any such enhancements, to be provided in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. Any such scheme as may be agreed shall thereafter be implemented.

Reason: In the interests of ecological enhancement in accordance with the requirements of the NPPF. Noting the need to establish ecological enhancements at an initial stage of development, it is important that these matters are considered and agreed as a pre-commencement condition.

- 21 Prior to occupation, a "lighting design strategy for biodiversity" for The entire site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of protecting biodiversity on and around the site in accordance with the requirements of the NPPF.

- 22 The ecological measures and/or works shall be carried out in accordance with the details contained in the Phase 1 Ecological Assessment dated 10th September 2013 (reference 704,EC/LRS,TP/10-09-13/V1) and the Reptile and Bat Surveys Report dated 09th June 2014 (reference 850,EC/TP,AD/09-06-14/V1) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall also include a re-survey of T15 prior to its removal to check for the presence of bats.

Reason: In the interests of protecting biodiversity.

- 23 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

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

the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in

accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

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.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 2 Class A of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.

Reason: To ensure that the satisfactory appearance and amenity of the development/locality is maintained.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, St. Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St. Edmunds, Suffolk.

The development plan policies and National Planning Policy Framework referred to in this report can be viewed via the following link:

<http://svr-cms-01/westsuffolk/DevPlanPol.html>

Case Officer: Dave Beighton

Tel. No. 01638 719470



St Edmundsbury
BOROUGH COUNCIL

WORKING PAPER 1

Development Control Committee 8 January 2015

Planning Application DC/14/0470/FUL Land South West of The Bull, The Street, Troston, Bury St. Edmunds, Suffolk

Parish: Troston Parish Council **Committee Date:** 4 December 2014

App. No: DC/14/0470/FUL **Date Registered:** 17 March 2014

Expiry Date: 12 May 2014

Proposal: Planning Application - Change of use of Agricultural land to Amenity/ Recreational village use (Resubmission of SE/13/0820/FUL) as amended by revised plans received on 11th September 2014 reducing the overall extent of proposed amenity space

Site: Land South West of The Bull, The Street, Troston, Bury St Edmunds

Applicant: Greene King

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Dave Beighton
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Telephone: 01638 719470

Background:

This application was removed by Officers from December DC Committee following the publication of the agenda, following revisions to the Government's National Planning Policy Guidance which called into question the extent to which S106 contributions could be sought on this scheme and the two related schemes. This point has now been clarified and the application is represented with clarification provided where necessary within the main report.

This application is presented to DC Committee nominally since there are comments from Troston Parish Council (set out in more detail below) who initially objected to the proposal but who now offer cautious support subject to ensuring that the village gets upgraded play facilities in exchange for relinquishing the existing facilities.

The application must also be considered in conjunction with applications submitted under references DC/14/0507/OUT and DC/14/0474/FUL which are elsewhere on this agenda. DC/14/0507/FUL is in particular, relevant and noting the reasons for that application being referred to DC Committee this one is presented as well noting the obvious relationship between the two.

The application is recommended for APPROVAL subject to the signing of a S106.

Application Details:

1. Full planning permission is sought for the change of use of the land from agricultural farmland to amenity and recreational space.
2. Access is proposed through the site of The Bull (see DC/14/0507/OUT). An additional access is indicated as being provided from Livermere Road, however that is outside of this application site and does not form part of this proposal.
3. The proposal contains the relocation of the existing power cable, the provision of a senior football pitch, the provision of an older children's amenity and play space and the provision of soft landscaping generally within and around the site.

Amendments:

4. There have been amendments received to this application since submission, which have been subject to full reconsultation. These amendments have led to the reduction in the overall space being provided to exclude an area of land adjacent to Livermere Road that has ostensibly been 'set aside' to be considered for affordable housing use in the future. Any such proposal does not form part of this proposal and would need to be assessed, on its merits, at the appropriate time.

Site Details:

5. The application site is presently in use as agricultural farm land. It is classified as grade 4. The site contains an existing power line and pole that run through the site. It is proposed that this be buried around the perimeter of the site.
6. The site is located adjacent to the defined settlement boundary for the village of Troston, located to the south of Livermere Road. The site is surrounded on the north and, partially, on the east side by residential development, and also on the east side by the existing public open space within Troston. To the south east and south west the site is bounded by existing farm land contiguous with the application site.

Application Supporting Material:

7. Application forms, design and access statement, planning statement and plans.

Planning History:

8. There is some incidental planning history relating to site.

SE/13/0820/FUL. Land SW Of The Bull The Street Troston - Planning Application - Change of use of Agricultural land to Amenity/ Recreational use. Withdrawn

Consultations:

9. Troston Parish Council – initially objected to the proposal (albeit they have noted that if the objections set out below can be overcome then they would be minded to support), included in full as follows

We Object for Two Reasons

In the absence of full details relating to the adequate provision of recreational facilities to replace those that would be lost as a result of the above proposals, Troston Parish Council has no alternative but to object to the above planning applications.

However, if the conditions and obligations outlined below were to be included in any planning consent, we would be minded to support the application.

Our objection has two reasons:

Reason One: The proposal is in breach of planning policy and therefore should not be granted planning permission unless there is a net gain for the village.

The development of a total of 10 houses on the site of Troston's recreation ground (two as a result of application DC/14/0474/FUL and eight as a result of application DC/14/0507/OUT) is in breach of the St Edmundsbury Core Strategy. This states (in paragraph 4.58) that for infill villages such as Troston, "only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted."

The fact that the proposed development is in breach of policy is confirmed in a letter which St Edmundsbury chief executive Ian Gallin sent to Troston Parish Council on April 9. This said: "The Core Strategy (C.S.) is clear, that infill in small settlements should be limited to 5 dwellings or less. The scheme, as you point out, fails to accord with this element of the C.S. and this is a factor which will weigh against the scheme."

However, we feel that this objection could be counterbalanced by ensuring that there is an improvement in open space provision in line with St Edmundsbury policy for open spaces (see below).

Reason Two: The proposal, even if limited to five houses and therefore within planning policy, does not offer adequate like for like recreational facilities with what the village has at present.

Troston's existing recreational area (where the proposed housing is to be built) is well located and has adequate play facilities for the current population of the village. It is a safe zone, within the housing settlement, where parents can feel comfortable to leave their children to play unsupervised. The village, backed by The Parish Council, has no desire to see the existing play area moved. The site has the protected status of a designated recreational open space.

Action to address Reason One?

Bearing in mind that the development would breach adopted planning policy (and certainly pushing the boundaries of what, in general planning terms, would be acceptable in an infill village) St Edmundsbury is in a strong position to impose tough planning obligations on potential developers of the sites.

In this context we feel it essential that planners follow St Edmundsbury planning policy for open spaces (as explained in para 2.2.1 of Supplementary Planning Document for Open Space, Sport and Recreation Facilities, adopted December 2012). This states that planners should "encourage improvements in open space provision and provide good quality, accessible facilities and that new housing development makes appropriate provision for new and improved facilities".

This clearly goes beyond ensuring that where a recreational open space is built on, alternative provision should merely be provided on a "like-for-like" basis. In practical terms, the Parish Council wants to see the imposition of planning conditions and obligations that will ensure the following:

- a) The area marked "junior children amenity space", and coloured in dark and light green on the plan, should be appropriately landscaped and fenced off. Play areas on the new recreation ground under application DC/14/0470/FUL should similarly be appropriately surfaced to current safety standards and fenced off from the remainder of the site.*
- b) The remainder of the site under DC/14/0470/FUL should be appropriately landscaped, grassed over and properly fenced off from surrounding land. A full size football pitch, with posts and nets, should be provided with a playable surface.*
- c) All overhead power cables running across the site should be removed or diverted (see below).*
- d) Provision should be made for the funding of changing rooms.*

- e) Provision should be made not only for the replacement of existing play equipment where this cannot be relocated, but for extra play equipment to be installed at the developer's cost to cater for increased demand as a result of families moving into the new houses.
- f) Replacement facilities should be in place before new development commences (as stated in Sport England's comments on the application.)
- g) Appropriate vehicular access from the new playing field to Livermere Road should be provided and fully incorporated into any planning permission.

Action to address Reason Two?

The proposal, even if limited to five houses and therefore within planning policy, does not offer adequate like for like recreational facilities with what the village has at present. Our main concern here is twofold:

- a) *No provision is made in the application to landscape the whole of the site of the new recreation ground to be handed over to the parish council. True, the PC would benefit from gaining potential use of a larger recreational site in terms of area than it currently has - but the whole site under application number DC/14/0470/FUL is of little use unless properly grassed over and landscaped, which must be a condition of any planning consent.*
- b) *The high voltage power cables that currently run across the new recreation ground are a dangerous hazard on a playing field which may well be used for flying kites and model aircraft. Furthermore, the pole in the centre of the field renders its useless as a full size football pitch.*

Other issues

- 1) *There is currently a ditch running between the site of the two proposed dwellings under application DC/14/0474/FUL and the road. This ditch becomes overloaded in heavy rainfall and can flood the road. Villagers are worried that if simply piped, without thought of the flood of water from heavy rain, this waterway will back up and cause flooding to houses in nearby Church Lane.*
- 2) *Greene King has pledged to pass ownership of all recreational areas to the Parish Council. This needs to be legally put in place before planning permission is granted.*
- 3) *Obligations should be put in place to ensure that all recreation facilities to be provided by developers should be completed not only before any building begins, but also any areas are fenced off from the public in anticipation of building at some future date.*
- 4) *The area under DC/14/0470/FUL which has been allocated for future social housing should be incorporated within the area to be designated as the new recreational open space.*

Conclusion

In the absence of satisfactory details relating to the adequate provision of recreational facilities to replace those that would be lost as a result of the above proposals, Troston Parish Council has no alternative but to object to the above planning applications.

We feel that our objection to the scheme on the basis that it breaches policy for infill villages could be counterbalanced by ensuring that there is a clear and defined improvement, not merely like-for-like, in open space provision in line with St Edmundsbury policy for open spaces.

If the conditions and obligations outlined above were to be included in any planning consent, we would be minded to support the application.

10. A further consultation with the Parish Council was undertaken following the receipt of amended plans. Their further comments, which indicate that they are now 'minded to support' the scheme, are included below –

As stated in our earlier formal objection to planning applications DC/14/0470/FUL, DC/14/0474/FUL and DC/14/0507/OUT, Troston Parish Council is minded to support the proposals so long as certain conditions are met. The latest revisions, while in many respects an improvement on the earlier applications, do not address all of our anxieties and therefore many of the comments in our formal objection are still valid.

However, we are keen to see the proposed development progressed as rapidly as possible and we welcome Greene King's offer (first described in letters to the Parish Council dated 5th November 2012 and 2nd January 2013) to:

- 1. Transfer the freehold of the field on which the new play areas and football pitch will be located at nil cost to the Parish simultaneous to the completion of the sale of the development site together with full rights of access. (Officer Note – the ownership of the land cannot be controlled through the planning process. However the use of the land can be controlled and it is plainly reasonable to ensure that the replacement provision is made available, prior to the redevelopment of the existing space coming forward. This will ensure that responsibility for this is placed on the developer / landowner, not on the Parish Council).*
- 2. Oblige the purchaser of the remaining agricultural land to erect a post and wire fence to the boundary. (Officer Note – a condition is proposed requiring a suitable form of boundary treatment to be provided).*
- 3. Place a restricted covenant on the Bull Public House that it should be regarded as a community asset and will continue as a Public House as soon as possible. (Officer Note – an application can be made to seek the recognition of The Bull as such an asset. However, this is not relevant to the determination of this application since the public house is not proposed to be altered as part of this proposal other than a rationalisation of its car park).*
- 4. Make a condition of the sale that the Developer will be responsible for getting the power cable moved, landscaping and preparing the play areas and football pitch before the commencement of building homes. (Officer Note – see conditions in relation to DC/14/0470/FUL – this is a conditional requirement. it is also a condition requirement that DC/14/0470/FUL is provided in its entirety before any development commences on this site).*
- 5. Provide sufficient funds to enable like-for-like or better play equipment including matting and laying out to approved standards. (Officer Note – as with point 4, this is self policing. It is a conditional requirement of this development that the open space and equipment be provided, in accordance with a scheme to be agreed by the Local Planning Authority, prior to the loss of the existing equipment).*
- 6. Offer on licence to the Parish the part of the field which might be used at some future date for social housing. (Officer Note – this cannot reasonably be conditioned or otherwise controlled through the planning process. Any proposal to use land outside the application site for other purposes such as affordable housing will require planning permission in the normal manner).*
- 7. Pay a contribution of £500 including VAT towards the Parish's legal costs.*

We remain concerned, however, about the lack of detail on the various costs involved and nature of the legally binding agreements on who makes what contribution when. Such details must be included in all planning conditions set down by the planning authorities if the applications are given the go-ahead – otherwise there is a real danger that the village recreational facilities will end up being of a lower standard than they are at present. (Officer Note – this cannot reasonably be conditioned).

Our enquiries, to five leading play equipment providers, indicates that the minimum sums to be about:

Play equipment (only the roundabout can be safely moved) £35,000

Preparation of play area £2,500

Levelling and seeding field including football pitch £12,000

Moving power cable £25,500

Landscaping £5,000

Total £80,000

Probably much of the groundwork could be most economically tackled by the Developer and cost estimates can only be based on commercial judgements made at the time of negotiations with Greene King's Agents. While we are minded to accept the applications DC/14/0470/FUL, DC/14/0474/FUL and DC/14/0507/OUT we would have to oppose plans if they fail to ensure the village gets upgraded play facilities in exchange for relinquishing its existing recreational facilities – particularly bearing in mind that the proposed development is in breach of planning policy for infill villages.

11. Environment Agency – Have reviewed the information submitted and have no objection to the proposed development because the change of use will not result in an increase in the risk of surface water runoff.
12. Suffolk County Council Archaeological Service – We would have no objection to the change of use of the area of agricultural land to a recreation area. However, if there were plans to carry out any substantial landscaping or groundworks, then we would also have a requirement for archaeological investigation in this area. *(Officer Note – it is not considered that the proposal will lead to substantial landscaping or groundworks, when compared with the present use of the land).*
13. Environmental Health: Domestic and Pollution – no objection.
14. Sport England – Raise no objections but offer detailed comments which are considered in more detail below.
15. Environmental Health: Contaminated Land – No objection and no conditions are required. The risk from contaminated land is low.
16. Suffolk Wildlife Trust – No objections subject to the recommendations of the ecological report being implemented. Also recommend that the detailed design of the proposal includes for ecological enhancements, as required by the NPPF.
17. Leisure Services – No objections, but detailed comments made, and considered in more detail below.

18. Tree, Landscape and Ecology Officer – No objections, subject to the imposition of conditions.

Representations:

19. At the time of publication of this report no letters of representation have been received.

Policies:

Development Plan

20. The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 and St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

Replacement St Edmundsbury Borough Local Plan 2016

Policy L4: Standards of Open Space and Recreation provision. This Policy states that proposals for the provision of new playing fields and sports facilities should be accompanied by a demonstration of need.

Policy T5 states that parking provision for the parking of vehicles, including cycles, will be required in accordance with the adopted Parking Standards.

St Edmundsbury Core Strategy December 2010

Policy CS2 – This policy deals with Sustainable Development, specifically the protection and enhancement of natural resources and sustainable design of the built environment.

Policy CS3 – Proposals for new development must create and contribute to a high quality, safe and sustainable environment.

Policy CS13 Rural Areas - Development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Other Material Considerations

21. The emerging Development Management Policies document must also be given appropriate weight, noting that the Inspector's comments have been received following the examination in summer 2014 and are presently being consulted upon. The outcome of this is that considerable weight can now be attached to these policies. The following policies are particularly relevant to the consideration of this application.
22. Policy DM5 – Development in the Countryside. This protects the countryside from unsustainable development and includes supporting the principle of essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside.
23. Policy DM42 – Open Space, Sport and Recreation Facilities. This policy supports proposals for the provision, enhancement and / or expansion of

amenity, sport or recreation open space or facilities, subject to compliance with other policies.

24. The Central Government planning guidance contained within the National Planning Policy Framework is a material consideration, as are the Suffolk Advisory Parking Standards adopted in 2002.

Officer Comment:

25. The issues to be considered in the determination of this application are:
- Principle of Development
 - Layout and Impact upon Character and Appearance
 - Impact upon Amenity
 - Other matters

Principle of Development

26. This application seeks planning consent for the change of use of the agricultural land to the south-west of the application site for the residential development (being considered under DC/14/0507/OUT), to provide replacement playing field and play area facilities for the village. The site is noted as being grade 4 land, at the lower end of the scale, and cannot be considered 'best and most versatile'. Whilst the loss of the land for agricultural purposes is therefore a factor which weighs against the proposal this loss is more modest noting the relatively small area of land to be lost, and noting the poorer quality of the land.
27. In relation to the provision of new open space this proposal raises a number of planning issues. On the one hand, Local Plan Policy L4 requires a demonstration of need to be made before new play and open space is proposed. Plainly there is no 'need' here beyond the loss of the existing space for residential purposes (subject to planning permission being granted under DC/14/0507/OUT). However, this policy position is altered somewhat by the positive wording of emerging Policy DM42, upon which material weight can be given, which does not support such a demonstration of need as being required. Noting that DM42 has been through Examination and the Inspector has concluded that it is compliant with the NPPF it is considered that this policy should be given primacy and that no evidence of need is necessary in this context.
28. Sport England is satisfied that in principle this application site can meet their exception policy E4 relating to the provision of replacement playing fields, subject to a requirement for the playing field to be provided to a suitable quality to ensure it is fit for purpose for senior and recreational football to meet Sport England/FA requirements.
29. Sport England have recommended that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented.
30. Sport England also recommends that the precise location and layout of the pitch is also agreed via condition.
31. Sport England's only further comment with regard to the proposed new playing fields is the lack of associated changing facilities and car parking.

However Sport England accept that the current sports area does not possess any dedicated ancillary facilities. The site will benefit from use of the car parking provision available within The Bull. The lack of changing facilities is noted, but can be accepted as being satisfactory, when assessed strictly against policy, noting the requirement for equivalent provision, and noting the present lack of such facilities.

32. Leisure Services have advised that the level of open space provision being proposed for this development is significantly more than it is replacing and almost doubles the size of the existing provision in the village and provides the opportunity to increase the range of recreational activities currently offered.
33. The opportunity to bury the high wattage power lines that would divide the new proposed open space and offsetting this cost against the required commuted sum should be taken. The burying of these power lines would significantly enhance the play value of the new space in respect of formal sports provision and informal recreation by removing a potential hazard to some forms of play and young people.
34. The only other point worth noting, is that this is not a site that the Parks Service would adopt and maintain, as with the current provision in the village that responsibility should fall upon the Parish Council and for that reason the above comments would require their support in moving this proposal forward. In this regard the comments of the Parish are noted, as is their confirmation that they are content to adopt the space and thereafter maintain them. A contribution towards such of £2,500 is proposed and will be necessary within the S106 Agreement that will be required to support both this development and that being considered under DC/14/0507/OUT.
35. Accordingly, and balancing all these factors, it is considered that the principle of this development can be supported, subject to a consideration of the points of detail.

Design and Impact upon Character and Appearance

36. The site is presently in use for agricultural purposes so, inevitably, there will be a material change in its appearance and its setting. The provision of landscaping and other features within the site, as well as the provision of boundary fencing and / or hedging will all affect the present open character that the site presents and the value that it adds in framing the rural village setting of Troston.
37. The site is surrounded on two sides by the village and Livermere Road and, in this context, it is considered a suitable location for a development of this nature. The open space itself will continue to present a suitable setting for the village, enhanced by the additional soft landscaping proposed. Beyond the site, the land will remain as open farmland, thereby perpetuating the open and rural village setting to Troston.
38. The submission includes a proposed layout for the older children's amenity area, including the provision of a 'haystack climber' and the relocation of the existing zip wire play feature. These are of modest scale and a suitable appearance and can be accommodated within the site without material detriment.

39. Accordingly, it can be concluded that whilst there will be a notable change in the intrinsic appearance of the land itself, that this impact can be considered acceptable, balancing all matters.

Impact upon Amenity

40. The site is located adjacent to existing residential dwellings on 'Garden Fields'. It will also be in close proximity to proposed dwellings under consideration through DC/14/0507/OUT. The use of the land for recreational purposes has some potential to be prejudicial to amenity by reason of the noise arising from the use of the land. However, in this context, and noting the relationship and distance between, it is not considered that any such incidences of noise or amenity impact would be so detrimental so as to justify a refusal of permission, balancing all matters.

Other Matters

41. The scheme utilises access off Livermere Road, through the existing public house car park. However, neither this access, nor that shown to be provided off Livermere Road are within the application site boundary. The site will therefore rely on access being provided through the site being considered under DC/14/0507/OUT. Both applications will need to be approved in order for a suitable access to be achieved, noting that this is the case anyway and that, irrespective of the outcome of this application, it will only be built if approval is also granted under DC/14/0507/OUT. This matter is considered self policing therefore and that a suitable access can be provided for the proposed open space.
42. In relation to biodiversity the scheme has been supported by suitable pre-submission survey work. This matter has been scrutinised by the Council's Tree, Landscape and Ecology Officer. In order to ensure that it is satisfactory from a biodiversity perspective conditions will be needed in relation to a lighting scheme, a landscape planting strategy, as well as ecological enhancements being secured through conditions. It will also be necessary to condition the recommendations of the submitted ecological surveys.
43. With these conditions imposed it is considered that the ecological and biodiversity related implications of this development will be satisfactory.
44. There are no other reasons to restrict the grant of planning permission.

Conclusion:

45. The application seeks to provide an enhanced amenity and public open space area for the village and, in principle, this can be supported. It raises no issues of detail that would preclude its development.
46. Members should note the relationship between this application and DC/14/0507/OUT (and with DC/14/0474/FUL). However, this application can be considered alone, on its own merits, noting, as set out above, that it will only be developed if approval is also granted under DC/14/0507/OUT.

Recommendation:

47. That subject to the signing of a S106 Agreement to provide for a maintenance sum for the site, that planning permission be granted subject to the following CONDITIONS:

1. Time limit – outline (01B)
2. Compliance with plans (14FP)
3. Prior to commencement of any development a scheme for the burying and / or re-routing of the existing overhead power cable through the site, and for the removal of the existing pylon, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for the undertaking of the works. The development shall thereafter proceed in accordance with this scheme and with any timescales agreed within it. Reason: In the interests of ensuring suitable replacement play provision.

4. The older children's amenity space as shown on drawing CH-BLTSTN-A1, including the provision of the 'haystack climber' and the zip wire play facility, shall be provided prior to the first use of the site by members of the public.

Reason: In the interests of ensuring continuity of play provision, in accordance with the requirements of Local Plan Policy L5 and the NPPF.

5. Boundary treatments (12B).

6. Construction Hours (14D – 08:00 18:00 Monday to Friday, and 08:00 – 13:00 Saturday, with no working on a Sunday or Bank Holiday)

7. Details of hard landscaping, and implementation (23J)

8. Details of soft landscaping, and implementation (23C)

9. The trees shown on the submitted landscape drawing (3382-D-2, Rev B) to be retained shall be protected in the manner shown on Hayden's 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan' report dated 12th March 2014 (reference 3382 -D Revision B) or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

10. Prior to the commencement of development a scheme of ecological enhancements, including timescales for the delivery and provision of any such enhancements, to be provided in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. Any such scheme as may be agreed shall thereafter be implemented. Reason: In the interests of ecological enhancement in accordance with the requirements of the NPPF.

11. Prior to occupation, a "lighting design strategy for biodiversity" for the entire site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. Reason: In the interests of protecting biodiversity on and around the site in accordance with the requirements of the NPPF.

12. All ecological measures and/or works shall be carried out in accordance with the details contained in the Phase 1 Ecological Assessment dated 10th September 2013 (reference 704,EC/LRS,TP/10-09-13/V1) and the Reptile and Bat Surveys Report dated 09th June 2014 (reference 850,EC/TP,AD/09-06-14/V1 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall also include a re-survey of T15 prior to its removal to check for the presence of bats. Reason: In the interests of protecting biodiversity.

13. No development shall take place until:

a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This scheme should also indicate proposed pitch markings (including adequate safety run-offs) for the site which should meet Sport England/NGB recommended guidelines, as set out in Sport England's guidance document 'Natural Turf for Sport' (2011).

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field.

14. Notwithstanding the submitted site plan, prior to work commencing on site a detailed pitch layout plan shall be submitted to and approved in writing by the local planning authority. The plan shall indicate pitch(es) to meet Sport England/FA guidelines as set out in Sport England technical guidance document 'Natural Turf for Sport' (2011), with regard to pitch sizes and safety run-off areas. The approved scheme shall thereafter be implemented in accordance with the details contained within this scheme. Reason; To

ensure that new pitches are provided to sizes (including safety run-offs) to meet Sport England/FA guidelines

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, St. Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St. Edmunds, Suffolk.

The development plan policies and National Planning Policy Framework referred to in this report can be viewed via the following link:

<http://svr-cms-01/westsuffolk/DevPlanPol.html>

Case Officer: Dave Beighton

Tel. No. 01638 719470



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

8 January 2015

Planning Application DC/14/0507/OUT
The Bull, The Street, Troston, Bury St. Edmunds,

Parish: Troston Parish Council
Committee Date: 4 December 2014
App. No: DC/14/0507/OUT
Date Registered: 17 March 2014
Expiry Date: 12 May 2014

Proposal: Outline Application - (i) Erection of 8 no. dwellings (ii) construction of new access (means of access, landscaping and layout under consideration) as amended by revised plans space received on 11th September 2014 altering the indicative position of the dwellings and the location of the proposed amenity

Site: The Bull, The Street, Troston, Bury St Edmunds

Applicant: Greene King

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Dave Beighton
Email: dave.beighton@westsuffolk.gov.uk
Telephone: 01638 719470

Background:

This application was removed by Officers from December DC Committee following the publication of the agenda, following revisions to the Government's National Planning Policy Guidance which called into question the extent to which S106 contributions could be sought on this scheme and the two related schemes. This point has now been clarified and the application is represented with clarification provided where necessary within the main report.

This application is presented to DC Committee nominally since it conflicts with the Core Strategy in relation to development within infill villages, which limits growth to developments of five dwellings or fewer. There are also comments from Troston Parish Council (set out in more detail below) who initially objected to the proposal but who now offer cautious support subject to ensuring that the village gets upgraded play facilities in exchange for relinquishing the existing facilities.

The application must be considered in conjunction with applications submitted under references DC/14/0470/FUL and DC/14/0474/FUL which are elsewhere on this agenda.

The application is recommended for APPROVAL, subject to the signing of a S106.

Application Details:

1. Outline planning permission is sought for the redevelopment of the existing playing field site to provide for 8 dwellings with new associated vehicular access, parking and landscaping.
2. Approval is sought for the means of access, along with the landscaping and layout of the site. The scale and appearance of the dwellings is not presently for consideration at this stage. The submitted drawing shows a point of access being provided through the car park associated with the presently closed Bull Inn public house, along with a rationalised car parking layout.
3. The layout proposes four detached dwellings and two pairs of semi-detached buildings. These are arranged around the access road which ends in a turning head and which splits within the site offering access to three properties along a private road fronting the public open space proposed under DC/14/0470/FUL.
4. The scheme also proposes the provision of a junior play area within the site, close to the junction of the access road and the private drive, and adjacent to the site boundary. The junior play area is located adjacent to the boundary of the site, immediately adjacent to land covered by planning application DC/14/0470/FUL. This land includes proposed replacement public open space for the proposed to be lost as a result of the development of this application, if approved.

Amendments:

5. There have been amendments received to this application since submission, which have been subject to full reconsultation. These amendments have not revised the number of units but have revised the layout and the position of dwellings. They have also seen the proposed relocated junior children's play space resited from close to the eastern boundary of the site adjacent to 'Siesta' to the area now proposed adjacent to the off site replacement open space proposed under application DC/14/0470/FUL.

Site Details:

6. The application site is presently in use as public open space, and is recognised as such within the adopted Local Plan. It contains a junior sized playing pitch along with a collection of children's play equipment including swings, slide etc.
7. The wider site contains The Bull public house, which is presently closed and on the market. This proposal does not seek to alter or otherwise change the use of the public house. Car parking is proposed to be rationalised to effect the provision of the access.
8. The site is located within the defined settlement boundary for the village of Troston, located to the south of Livermere Road. The site is surrounded on three sides by existing residential development and, partially, on the south east side, by agricultural land (which is the subject of application DC/14/0470/FUL for change of use of land to public open space).

Application Supporting Material:

9. Application forms, design and access statement, planning statement and plans.

Planning History:

10. There is some incidental planning history relating to The Bull public house.
11. SE/13/0821/OUT. Outline Application - Erection of 5no dwellings and redefinition of existing "The Bull Inn" following formation of access. Withdrawn

Consultations:

12. Troston Parish Council – initially objected to the proposal (albeit they have noted that if the objections set out below can be overcome then they would be minded to support), included in full as follows

We Object for Two Reasons

In the absence of full details relating to the adequate provision of recreational facilities to replace those that would be lost as a result of the above proposals, Troston Parish Council has no alternative but to object to the above planning applications.

However, if the conditions and obligations outlined below were to be included in any planning consent, we would be minded to support the application.

Our objection has two reasons:

Reason One: The proposal is in breach of planning policy and therefore should not be granted planning permission unless there is a net gain for the village.

The development of a total of 10 houses on the site of Troston's recreation ground (two as a result of application DC/14/0474/FUL and eight as a result of application DC/14/0507/OUT) is in breach of the St Edmundsbury Core Strategy. This states (in paragraph 4.58) that for infill villages such as Troston, "only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted."

The fact that the proposed development is in breach of policy is confirmed in a letter which St Edmundsbury chief executive Ian Gallin sent to Troston Parish Council on April 9. This said: "The Core Strategy (C.S.) is clear, that infill in small settlements should be limited to 5 dwellings or less. The scheme, as you point out, fails to accord with this element of the C.S. and this is a factor which will weigh against the scheme."

However, we feel that this objection could be counterbalanced by ensuring that there is an improvement in open space provision in line with St Edmundsbury policy for open spaces (see below).

Reason Two: The proposal, even if limited to five houses and therefore within planning policy, does not offer adequate like for like recreational facilities with what the village has at present.

Troston's existing recreational area (where the proposed housing is to be built) is well located and has adequate play facilities for the current population of the village. It is a safe zone, within the housing settlement, where parents can feel comfortable to leave their children to play unsupervised. The village, backed by The Parish Council, has no desire to see the existing play area moved. The site has the protected status of a designated recreational open space.

Action to address Reason One?

Bearing in mind that the development would breach adopted planning policy (and certainly pushing the boundaries of what, in general planning terms, would be acceptable in an infill village) St Edmundsbury is in a strong position to impose tough planning obligations on potential developers of the sites.

In this context we feel it essential that planners follow St Edmundsbury planning policy for open spaces (as explained in para 2.2.1 of Supplementary Planning Document for Open Space, Sport and Recreation Facilities, adopted December 2012). This states that planners should "encourage improvements in open space provision and provide good quality, accessible facilities and that new housing development makes appropriate provision for new and improved facilities".

This clearly goes beyond ensuring that where a recreational open space is built on, alternative provision should merely be provided on a "like-for-like"

basis. In practical terms, the Parish Council wants to see the imposition of planning conditions and obligations that will ensure the following:

- a) The area marked "junior children amenity space", and coloured in dark and light green on the plan, should be appropriately landscaped and fenced off. Play areas on the new recreation ground under application DC/14/0470/FUL should similarly be appropriately surfaced to current safety standards and fenced off from the remainder of the site.*
- b) The remainder of the site under DC/14/0470/FUL should be appropriately landscaped, grassed over and properly fenced off from surrounding land. A full size football pitch, with posts and nets, should be provided with a playable surface.*
- c) All overhead power cables running across the site should be removed or diverted (see below).*
- d) Provision should be made for the funding of changing rooms.*
- e) Provision should be made not only for the replacement of existing play equipment where this cannot be relocated, but for extra play equipment to be installed at the developer's cost to cater for increased demand as a result of families moving into the new houses.*
- f) Replacement facilities should be in place before new development commences (as stated in Sport England's comments on the application.)*
- g) Appropriate vehicular access from the new playing field to Livermere Road should be provided and fully incorporated into any planning permission.*

Action to address Reason Two?

The proposal, even if limited to five houses and therefore within planning policy, does not offer adequate like for like recreational facilities with what the village has at present. Our main concern here is twofold:

- a) No provision is made in the application to landscape the whole of the site of the new recreation ground to be handed over to the parish council. True, the PC would benefit from gaining potential use of a larger recreational site in terms of area than it currently has - but the whole site under application number DC/14/0470/FUL is of little use unless properly grassed over and landscaped, which must be a condition of any planning consent.*
- b) The high voltage power cables that currently run across the new recreation ground are a dangerous hazard on a playing field which may well be used for flying kites and model aircraft. Furthermore, the pole in the centre of the field renders its useless as a full size football pitch.*

Other issues

- 1) There is currently a ditch running between the site of the two proposed dwellings under application DC/14/0474/FUL and the road. This ditch becomes overloaded in heavy rainfall and can flood the road. Villagers are worried that if simply piped, without thought of the flood of water from heavy rain, this waterway will back up and cause flooding to houses in nearby Church Lane.*
- 2) Greene King has pledged to pass ownership of all recreational areas to the Parish Council. This needs to be legally put in place before planning permission is granted.*
- 3) Obligations should be put in place to ensure that all recreation facilities to be provided by developers should be completed not only before any building begins, but also any areas are fenced off from the public in anticipation of building at some future date.*

4) *The area under DC/14/0470/FUL which has been allocated for future social housing should be incorporated within the area to be designated as the new recreational open space.*

Conclusion

In the absence of satisfactory details relating to the adequate provision of recreational facilities to replace those that would be lost as a result of the above proposals, Troston Parish Council has no alternative but to object to the above planning applications.

We feel that our objection to the scheme on the basis that it breaches policy for infill villages could be counterbalanced by ensuring that there is a clear and defined improvement, not merely like-for-like, in open space provision in line with St Edmundsbury policy for open spaces.

If the conditions and obligations outlined above were to be included in any planning consent, we would be minded to support the application.

13. A further consultation with the Parish Council was undertaken following the receipt of amended plans. Their further comments, which indicate that they are now 'minded to support' the scheme, are included below –

As stated in our earlier formal objection to planning applications DC/14/0470/FUL, DC/14/0474/FUL and DC/14/0507/OUT, Troston Parish Council is minded to support the proposals so long as certain conditions are met. The latest revisions, while in many respects an improvement on the earlier applications, do not address all of our anxieties and therefore many of the comments in our formal objection are still valid.

However, we are keen to see the proposed development progressed as rapidly as possible and we welcome Greene King's offer (first described in letters to the Parish Council dated 5th November 2012 and 2nd January 2013) to:

- 1. Transfer the freehold of the field on which the new play areas and football pitch will be located at nil cost to the Parish simultaneous to the completion of the sale of the development site together with full rights of access. (Officer Note – the ownership of the land cannot be controlled through the planning process. However the use of the land can be controlled and it is plainly reasonable to ensure that the replacement provision is made available, prior to the redevelopment of the existing space coming forward. This will ensure that responsibility for this is placed on the developer / landowner, not on the Parish Council).*
- 2. Oblige the purchaser of the remaining agricultural land to erect a post and wire fence to the boundary. (Officer Note – a condition is proposed requiring a suitable form of boundary treatment to be provided).*
- 3. Place a restricted covenant on the Bull Public House that it should be regarded as a community asset and will continue as a Public House as soon as possible. (Officer Note – an application can be made to seek the recognition of The Bull as such an asset. However, this is not relevant to the determination of this application since the public house is not proposed to be altered as part of this proposal other than a rationalisation of its car park).*
- 4. Make a condition of the sale that the Developer will be responsible for getting the power cable moved, landscaping and preparing the play areas and football pitch before the commencement of building homes. (Officer Note – see conditions in relation to DC/14/0470/FUL – this is a conditional*

requirement. it is also a condition requirement that DC/14/0470/FUL is provided in its entirety before any development commences on this site).

5. *Provide sufficient funds to enable like-for-like or better play equipment including matting and laying out to approved standards.* (Officer Note – as with point 4, this is self policing. It is a conditional requirement of this development that the open space and equipment be provided, in accordance with a scheme to be agreed by the Local Planning Authority, prior to the loss of the existing equipment).

6. *Offer on licence to the Parish the part of the field which might be used at some future date for social housing.* (Officer Note – this cannot reasonably be conditioned or otherwise controlled through the planning process. Any proposal to use land outside the application site for other purposes such as affordable housing will require planning permission in the normal manner).

7. *Pay a contribution of £500 including VAT towards the Parish's legal costs. We remain concerned, however, about the lack of detail on the various costs involved and nature of the legally binding agreements on who makes what contribution when. Such details must be included in all planning conditions set down by the planning authorities if the applications are given the go-ahead – otherwise there is a real danger that the village recreational facilities will end up being of a lower standard than they are at present.* (Officer Note – this cannot reasonably be conditioned).

Our enquiries, to five leading play equipment providers, indicates that the minimum sums to be about:

Play equipment (only the roundabout can be safely moved) £35,000

Preparation of play area £2,500

Levelling and seeding field including football pitch £12,000

Moving power cable £25,500

Landscaping £5,000

Total £80,000

Probably much of the groundwork could be most economically tackled by the Developer and cost estimates can only be based on commercial judgements made at the time of negotiations with Greene King's Agents. While we are minded to accept the applications DC/14/0470/FUL, DC/14/0474/FUL and DC/14/0507/OUT we would have to oppose plans if they fail to ensure the village gets upgraded play facilities in exchange for relinquishing its existing recreational facilities – particularly bearing in mind that the proposed development is in breach of planning policy for infill villages.

14. Environment Agency – refer to standing advice. Standing advice confirms no issues or concern other than resolution of surface water drainage. Such will be covered through the Building Regulations, with preference for a sustainable urban drainage scheme, as opposed to piped discharge.
15. Suffolk County Council Archaeological Service – no objections subject to the imposition of conditions.
16. Suffolk County Council Highways – No objections subject to the imposition of conditions.
17. Environmental Health: Domestic and Pollution – no objection.

18. Sport England – Raise no objections but offer detailed comments which are considered in more detail below.
19. Environmental Health: Contaminated Land – Originally objected on the basis of the lack of a Phase 1 contaminated land assessment. This has subsequently been received and comments from Environmental Services are awaited. Has now withdrawn its objection to planning application due to the receipt of a Phase One Desk Study undertaken by Richard Jackson Ltd, reference 45202, dated July 2013. As the Phase One Desk Study report recommends intrusive works, we would recommend our standard land contamination conditions are placed on any planning approval.
20. Suffolk Wildlife Trust – No objections subject to the recommendations of the ecological report being implemented. Also recommend that the detailed design of the proposal includes for ecological enhancements, as required by the NPPF.
21. Development, Implementation and Monitoring Officer – Request, in conjunction with Leisure Services officers, a financial contribution of £14,000.00 towards the costs and maintenance of Public Open Space.
22. Strategic Housing - Strategic Housing are supportive of this scheme and the commitment to provide 2 affordable homes in accordance with St Edmundsbury's Policy CS5. Policy CS5 requires 30% affordable housing which equates to 2.4 units. 2 units to be provided on site with a 0.4 commuted sum contribution. The affordable housing statement suggests the affordable units will be provided as a pair of semi-detached family dwellings. The indicative mix required would be for 2 x 2 bed (4 person) houses. The affordable housing must meet the Homes & Communities Agency (HCA) design standards as set out in the HCA's Design and Quality standards. The Strategic Housing Team would also encourage working with a registered provider of Affordable Housing at an early stage.

Also request a contribution of £2,680 towards to provision of affordable housing due to the need to make provision for 0.4 of a dwelling in accordance with the Council's adopted SPD.
23. Leisure Services – No objections, but detailed comments made, and considered in more detail below.
24. Tree, Landscape and Ecology Officer – No objections, subject to the imposition of conditions.

Representations:

25. At the time of publication of this report no letters of representation have been received.

Policies:

Development Plan

26. The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 and St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

Replacement St Edmundsbury Borough Local Plan 2016

Policy H4 relates to housing density, and requires residential development to have a net density of at least 30 DPH, unless there are constraints. In locations with good accessibility, higher densities will be encouraged.

Policy H5: Mix of Housing sets out that all housing developments of 15 dwellings or 0.5 hectares or more in urban areas five dwellings or 0.17 hectares or more in settlements with a population of 3,000 or less will be permitted only where they include a mix of house types and sizes.

Policy RU6: Housing Development in the Rural Area. This Policy permits development within the Housing Settlement Boundaries of the villages (including Troston) listed within Appendix A to the Local Plan. This Policy must be read in conjunction with Policy CS4 which limits housing development within infill villages such as Troston to five dwellings or fewer.

Policy L4: Standards of Open Space and Recreation provision. This Policy states that proposals for the provision of new playing fields and sports facilities should be accompanied by a demonstration of need.

Policy L5: Safeguarding Parks and Open Spaces. This Policy goes to the heart of this proposal. The Policy seeks to safeguard existing parks, amenity areas and recreational open space. Development on public, private and school playing fields will not be permitted unless any playing field(s) which would be lost as a result of the proposed development would be replaced by a playing field(s) of an equivalent or better quality and equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

Policy T5 states that parking provision for the parking of vehicles, including cycles, will be required in accordance with the adopted Parking Standards.

St Edmundsbury Core Strategy December 2010

Policy CS2 – This policy deals with Sustainable Development, specifically the protection and enhancement of natural resources and sustainable design of the built environment.

Policy CS3 – Proposals for new development must create and contribute to a high quality, safe and sustainable environment.

Policy CS4 – This policy identifies the settlement hierarchy, and designates Troston as an infill village. These are villages that only have a limited range of services. In these villages, only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted. This would be dependent on other environmental and infrastructure constraints.

Policy CS5 – This policy deals with Affordable Housing, and requires developers to integrate land for affordable housing within sites where development is proposed. The mix, size and tenure should meet local identified housing need.

Policy CS7 – All proposals for development will be required to provide for travel by a range of means of transport other than the private car.

Policy CS13 Rural Areas - Development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Policy CS14 – All new proposals for development will be required to demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure.

Other Material Considerations

27. The emerging Development Management Policies document must also be given appropriate weight, noting that the Inspector's comments have been received following the examination in summer 2014 and are presently being consulted upon. The outcome of this is that considerable weight can now be attached to these policies. The following policies are particularly relevant to the consideration of this application.
28. Policy DM5 – Development in the Countryside. This protects the countryside from unsustainable development and includes supporting the principle of essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside.
29. Policy DM42 – Open Space, Sport and Recreation Facilities. This policy supports proposals for the provision, enhancement and / or expansion of amenity, sport or recreation open space or facilities, subject to compliance with other policies.
30. The Central Government planning guidance contained within the National Planning Policy Framework is a material consideration, as are the Suffolk Advisory Parking Standards adopted in 2002.

Officer Comment:

31. The issues to be considered in the determination of this application are:
 - Principle of Development including loss of open space
 - Design and Impact upon Character and Appearance
 - Impact upon Amenity
 - Car Parking and Highway Safety Matters
 - S106 and other matters, including trees and biodiversity

Principle of Development including Loss of Open Space

32. The site is located within the settlement boundary of Troston. CS4 identifies Troston as an infill village capable of accommodating development within the settlement boundaries of up to 5 dwellings. On its own face therefore this proposal offends this policy position since it proposes 8 dwellings. Therefore care must be exercised.
33. CS4 seeks to limit infill villages to schemes of five dwellings or fewer in the interests of sustainability. This is wholly laudable noting the generally limited range of services available in these settlements. However, the limit is, to a degree, arbitrary since the limit applies to each individual site, not to the whole settlement. Accordingly, any infill village could reasonable

accommodate any number of different sites, each accommodating up to five dwellings, and could still be wholly in accordance with Policy CS4.

34. This scheme must also be considered within the context of Policy H4. This requires residential schemes to develop at a density of at least 30 dwellings per hectare unless there are constraints. In this regard the edge of settlement location, added to the generally spacious surrounding context, add support to a reduced density. However, these factors do not add sufficient weight, such that a scheme for only five dwellings could be supported with reference to Policy H4. To do so would arbitrarily limit the development potential of the site simply to meet the policy requirements of CS4.
35. Noting the need to make effective as possible use of land, and noting the wider benefits that will accrue from the provision of more than 5 dwellings (for example, the provision of on site affordable housing), Officers view is that the principle can be supported notwithstanding the ostensible conflict with CS4. This position is further supported by the point made above; that there could be any number of different schemes in any village, subject to them all being at five units of fewer, with no consequential failure to meet the CS4 Policy requirement. Noting that the point of CS4 is in the interests of sustainability, then a departure from the Core Strategy requirement is, in this instance, justified.
36. This conclusion offers considerable weight in support of the principle of this development. However, an assessment in relation to Policy L5 is also of relevance noting that this scheme proposes development on a designated public open space. This point must therefore be considered in conjunction with formal comments received from both Sport England and from the Council's Leisure Services Department.
37. Policy L5 summarised seeks to safeguard existing parks, amenity areas and recreational open space. Development on public, private and school playing fields will not be permitted unless any playing field(s) which would be lost as a result of the proposed development would be replaced by a playing field(s) of an equivalent or better quality and equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.
38. This goes right to the heart of the proposal. An assessment must be made as to whether or not the replacement open space proposed partially (in the form of the junior play area) on this site and partially on the adjacent site under DC/14/0470/FUL are of an equivalent or better quality and quantity, and in a suitable location. Any such space must be subject to equivalent or better management arrangements and must be provided prior to the commencement of the development that would otherwise lead to their loss.
39. Sport England has therefore considered the application in the light of its playing fields policy and this context. The aim of their policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies."

40. The proposal relates to residential development on existing recreational land to the rear of the Bull PH. This land measures approximately 0.57 hectares and contains a mini football pitch of approximate size 60m x 40m, as well as children's play equipment.
41. Sport England's exception E4 to the above policy permits development on existing playing fields where: *"The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development"*.
42. This policy guidance is also enshrined in Para. 74 of the National Planning Policy Framework (2012) which states that, inter alia, the loss of playing fields and recreational land should only be permitted where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
43. This position is also consistent with the provisions of Local Plan Policy L5.
44. In this instance, the existing playing field will be replaced by a larger playing field on the adjoining agricultural land, with a site area of approximately 2.07 hectares, large enough to accommodate a senior football pitch and play areas (according to the indicative layout for this land).
45. The proposal clearly satisfies the quantity and location requirement for a replacement pitch, whilst the qualitative requirement can be met through a condition imposed on application ref: DC/14/0470/FUL. It is understood that management arrangements will remain the same (i.e. through the Parish Council) therefore the only remaining policy requirement is for the replacement playing field provision to be provided prior to the loss of the existing facility, which can be covered by the imposition of an appropriate planning condition.
46. This being the case, Sport England has not sought to raise an objection to this application, subject to the imposition of the following condition;

Development shall not commence on the proposed new residential dwellings until the replacement playing field provision approved under planning ref; 14/0470/FUL has been provided and is ready for use.

Reason; To ensure that the replacement playing field is provided prior to the loss of the existing facility, in order to satisfy Sport England adopted policy, NPPF Para. 74 and Local Plan Policy L5.

47. Sport England have also clarified that their support for this proposal is subject to planning consent being granted and implemented for the

replacement playing field provision on the adjoining land. If, for whatever reason, that application were to be refused planning consent, then Sport England would not be able to support the proposal for residential development on the current site. In this instance they would therefore have to object to this application.

48. This matter must also be assessed in conjunction with comments from Leisure Service and must also be considered in the context of DC/14/0470/FUL, which is due to be considered previously on this agenda. In summary, Leisure Services have no objection to the loss of the open space subject to its replacement in the form of the development to be provided under DC/14/0470/FUL. This matter is explored in greater detail within the report in relation to that application.
49. The application raises a number of issues therefore which require careful consideration if the principle is to be supported. The application conflicts with the provisions of Policy CS4 of the Core Strategy and this must be taken as weighing against the proposal, albeit, for the reasons set out, Officers are satisfied that approval can be granted and that the 'harm' as a result of the conflict with CS4 is limited.
50. More fundamental to the assessment of this proposal is the need, in policy terms, to ensure that adequate replacement is provided prior to the loss of the exiting space. It can be concluded that the replacement space proposed under DC/14/0570/FUL will be satisfactory, subject to that application being approved, and subject to the condition as proposed by Sport England, as modestly amended by Officers.
51. With this in mind Officers are satisfied that the principle of this development can be supported.

Design and Impact upon Character and Appearance

52. The site is presently in use for public open space purposes. Whilst the site is not readily visible from surrounding public areas due to dwellings and vegetation it does add intrinsically to the character and appearance of the area by reason of its openness. Accordingly, the redevelopment of the site for housing purposes will have some detrimental impact upon the character and appearance of the area.
53. However, this harm is limited by certain factors. Firstly, the site at present is not of fundamental value to the character and appearance of the area and, secondly, the value that it currently presents in character and appearance terms can be replaced, in principle, through the approval of DC/14/05470/FUL. On this basis it is not considered that the harm arising as a result of the loss of the site weighs against this proposal to anything more than a very modest degree, and that such harm is plainly offset by the benefit in relation to the provision of housing, including affordable housing, and by the benefit arising from the provision of a greater quantum and quality of replacement space (noting that this application is restricted by condition not to commence until the replacement space has been laid out).
54. The density and layout of the development proposed is considered to be suitable, and also appropriate for this edge of village settlement, being commensurate with the wider lower density village residential character. The proposed layout of dwellings seeks to positively frame the turning

head, access road and the adjacent public open space, thereby offered a satisfactory design as well as natural passive surveillance of all areas of open space.

55. The proposed replacement junior play space is proposed in a suitable location. It is away from existing dwellings thereby reducing any potentially prejudicial amenity impact and is also located in an area adjacent to the additional off site play space, thereby linking effectively with it. The position of the new access and the arrangements for rationalising the car park at The Bull are also satisfactory in design and layout terms.
56. The appearance and scale of the proposed dwellings are reserved at this stage. However, noting the indicate layout Officers are satisfied that a satisfactory appearance can be secured through any reserved matters submisison.
57. Accordingly, it can be considered that the impacts upon the character and appearance of the area will be satisfactory.

Impact upon Amenity

58. The layout and footprint of development as shown on the submitted plans is considered sufficient to ensure an acceptable impact upon amenity. The site is surrounded generally by existing landscaping and additional boundary treatments and supplemental landscaping, to be secured by condition, are considered sufficient to ensure that the amenity impacts can reasonably be anticipated as being acceptable.
59. The scale of the dwellings, and their position, orientation and distance in relation to off site property, is also considered to be sufficient to ensure satisfactory impacts. Likewise, the impacts between dwellings within the layout is also considered to be sufficient to enable a conclusion to be drawn that the amenities of eventual residents will also be satisfactory.
60. The proposed dwellings, based on the layout before us for consideration, are considered to have a sufficiency of private amenity space commensurate with their scale.

Car Parking and Highway Safety Matters

61. The scheme proposes access of Livermere Road, through the existing public house car park. Subject to conditions the scheme satisfies the technical requirements of the County Council and the layout ensures a sufficiency of private car parking spaces within the site.
62. The rationalised car parking provision associated with The Bull is considered sufficient to meet the needs of visitors to The Bull as well as users of the public open space, some of whom might be expected to arrive at the site by car.
63. Noting the nature of the properties and the size of their curtilages the condition requested by SCC in relation to details of the position of bin stores within domestic curtilages is not considered necessary. Likewise, it is not considered necessary to require by condition that details of the parking and manoeuvring spaces are provided when these are shown on drawing 6038 106 B and where layout is for approval at this stage.

S106 and other matters including trees and biodiversity

64. In determining this application, the Local Planning Authority must be mindful of the Government's latest policy position in relation to S106. It was the late publication of this revised policy position, after the agenda had been published for the December meeting, that led to the removal of this application (and the two related applications) from the agenda pending a careful consideration of matters.

65. These revisions to the National Planning Policy Guidance, dated 28th November 2014, state as follows –

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

•contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

•in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.

•affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.

66. In this instance, whilst the number of units proposed is ten or less, the overall floor space provided within the eight units is in excess of 1000 square metres. The proposal is not therefore considered 'small scale' in accordance with the terms of this NPPG policy and the provisions of it do not apply. Assessment is therefore still needed, as before, in accordance with local policy.

67. Notwithstanding the ostensible increase in available open space the development must therefore still make its own contribution towards the required onsite contribution for children's play and the associated commuted sum for maintenance arising from the increase in dwellings here.

68. A scheme of this scale, with 8 dwellings, and notwithstanding the replacement open space to be considered under DC/14/0470/FUL, would also be expected to meet its own requirements in relation to the provision of public open space. Ordinarily this would be required to make a contribution of £31,622.88. However, and as is considered in more detail under DC/14/0470/FUL Leisure Services are of the opinion, and this is supported by Officers, that in order to ensure that the replacement space is sufficiently useable, but also noting and respecting that the applicant is offering tangible enhancements, including a senior football pitch, as well as a greater extent of informal open space, that it would be reasonable to

offset this contribution against the sums needed to re-route the power cable that presently runs through the land. The re-routing (burying) of the power cable can be done for a sum of £31,240.50.

69. However, noting the need for the proposal to still ensure effective provision a sum of £11,500.00 in capital for play provision and £2500.00 for the ten year commuted maintenance sum is proposed. This matter has been agreed in conjunction with Leisure Services. The maintenance would continue to be undertaken by the Parish Council as per the present arrangement with the existing space. This matter has been accepted by the applicant.
70. In this regard therefore it can be robustly concluded that the sums otherwise due in relation to POS can be partially offset, in order to secure the burying of the power cable. Sums will still be required, as above, to include for some enhanced onsite equipment (over and above that which will ordinarily be required to be provided as replacement for the existing provision) as well as a sum for the maintenance of the space, noting that this will continue as per the existing arrangement by the Parish Council.
71. Affordable housing in the form of two units will be required on site as per the comments of Strategic Housing. This will need to be covered within the S106 Agreement, as will a contribution of £2,680 towards the 0.4 of an affordable unit that will be otherwise necessary in order to ensure policy compliance, as per the Council's adopted SPD.
72. In relation to biodiversity the scheme has been supported by suitable pre-submission survey work. This matter has been scrutinised by the Council's Tree, Landscape and Ecology Officer. In order to ensure that it is satisfactory from a biodiversity perspective conditions will be needed in relation to a lighting scheme, a re-survey of T15 prior to its removal to check for bats, a landscape planting strategy as well ecological enhancements being secured through conditions. It will also be necessary to condition the recommendations of the submitted ecological surveys.
73. With these conditions imposed it is considered that the ecological and biodiversity related implications of this development will be satisfactory.
74. The scheme proposes the loss of a modest number of incidental trees within the garden area to the public house, in order to facilitate the development. No trees of amenity value are to be removed and there are no protected trees within the site or otherwise affected by the proposal. The Tree, Landscape and Ecology Officer has no objection. Tree protection will be required as per the submitted drawings, and this can be conditioned.
75. There are no other reasons to restrict the grant of planning permission.

Conclusion:

76. The application raises a number of issues which require careful consideration. The application conflicts with the provisions of Policy CS4 of the Core Strategy and this must be taken as weighing against the proposal, albeit, for the reasons set out, Officers are satisfied that approval can be granted and that the 'harm' as a result of the conflict with CS4 is limited.

77. More fundamental to the assessment of this proposal is the need, in policy terms, to ensure that adequate replacement is provided prior to the loss of the exiting space. It can be concluded that the replacement space proposed under DC/14/0570/FUL will be satisfactory, subject to that application being approved, and subject to the condition as proposed by Sport England, as modestly amended by Officers.
78. Therefore this application is recommended for approval subject to the conditions below, and subject to a Legal Agreement to secure the provision of a contribution towards public open space of £14,000.00, to secure a contribution of £2,680 towards the off site provision of affordable housing, and subject to securing the provision of two dwellings on site for affordable housing purposes.
79. It must also be the case that this application should only be considered favourably if consent has already been granted by Committee under reference DC/14/0470/FUL. If DC/14/0470/FUL has been refused then Officers would wish to withdraw this item from the agenda pending a revised recommendation for refusal on the basis that the proposal would no longer satisfy the requirements of Local Policy L4, the provisions of the NPPF, or the provisions of Sport England's Policy in relation to the loss of playing fields and open space since adequate replacement would no longer be available. Likewise, if DC/14/0470/FUL is deferred for any reason then Officers would anticipate a deferral of this item for further consideration at the same time

Recommendation:

80. The recommendation is subject to the signing and return of the S106 agreement in relation to the provision of public open space and affordable housing.
81. Grant Permission subject to the following CONDITIONS:
1. Time limit – outline (01B)
 2. Reserved matters – scale and appearance (02A)
 3. Compliance with plans (14FP)
 4. Samples of external materials (04C)
 5. Full details of the landscaping and layout (including the position and nature of play equipment and any other furniture to be provided) of the junior children's amenity space as shown on drawing number 6038 106 revision B, shall be submitted to and agreed by the Local Planning Authority prior to development. The junior children's amenity space shall be provided in accordance with any such agreed details and any approved landscaping and equipment provided on site prior to any development commencing on the balance of the site.
Reason: In the interests of ensuring continuity of play provision, in accordance with the requirements of Local Plan Policy L5 and the NPPF.
 6. Development shall not commence on the proposed new residential dwellings, or on any other part of the site hereby approved (with the exception of works towards the provision of the junior children's amenity space as may be agreed pursuant to condition 5), unless and until the replacement playing field and public open space provision approved under planning reference 14/0470/FUL has been provided and is ready for use in accordance with that consent and any conditions associated with it.

Reason: To ensure that the replacement playing field is provided prior to the loss of the existing facility, in order to satisfy Sport England adopted policy, NPPF Para. 74 and Local Plan Policy L5.

7. Boundary treatments (12B).
8. Construction Hours (14D – 08:00 18:00 Monday to Friday, and 08:00 – 13:00 Saturday, with no working on a Sunday or Bank Holiday)
9. Details of hard landscaping, and implementation (23J)
10. Details of soft landscaping, and implementation (23C)
11. Landscape management plan (23L)
12. The trees shown on the submitted landscape drawing (3382-D-1) to be retained shall be protected in the manner shown on Hayden's 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan' report dated 12th March 2014 (reference 3382 Revision B) or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

13. 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 the National Planning Policy Framework (2012).

- 14.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 the National Planning Policy Framework (2012).

- 15.No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to first occupation.

Thereafter the access shall be retained in its approved form.

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

- 16.Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5m metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority. Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

- 17.Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form. Reason: To prevent hazards caused by flowing water or ice on the highway.

- 18.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.

- 19.No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse 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.

- 20.Private driveways and, where shown on drawing 6038 106 revision B, garages parking spaces, for each dwelling shall be made available for use prior to the occupation of the dwelling and shall thereafter be retained for these purposes. Notwithstanding the provisions of Article 3,

Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to those car parking spaces. Reason: In the interests of highway safety and to ensure adequate vehicular parking provision within the site is provided and maintained.

21. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.
22. Prior to the commencement of development a scheme of ecological enhancements, including timescales for the delivery and provision of any such enhancements, to be provided in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. Any such scheme as may be agreed shall thereafter be implemented. Reason: In the interests of ecological enhancement in accordance with the requirements of the NPPF.
23. Prior to occupation, a "lighting design strategy for biodiversity" for The entire site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. Reason: In the interests of protecting biodiversity on and around the site in accordance with the requirements of the NPPF.
24. All ecological measures and/or works shall be carried out in accordance with the details contained in the Phase 1 Ecological Assessment dated 10th September 2013 (reference 704,EC/LRS,TP/10-09-13/V1) and the Reptile and Bat Surveys Report dated 09th June 2014 (reference 850,EC/TP,AD/09-06-14/V1 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall

also include a re-survey of T15 prior to its removal to check for the presence of bats. Reason: In the interests of protecting biodiversity.

25. Contaminated Land Condition (15A).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, St. Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St. Edmunds, Suffolk.

The development plan policies and National Planning Policy Framework referred to in this report can be viewed via the following link:

<http://svr-cms-01/westsuffolk/DevPlanPol.html>

Case Officer: Dave Beighton

Tel. No. 01638 719470

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

8 January 2015

Planning Application DC/14/0474/OUT

The Bull, The Street, Troston, Bury St. Edmunds, Suffolk

Parish: Troston Parish Council
Committee Date: 4 December 2014

App. No: DC/14/0474/FUL
Date Registered: 17 March 2014

Expiry Date: 12 May 2014

Proposal: Planning Application - Erection of (i) a pair of semi-detached two storey dwellings and (ii) erection of garage as amended by site layout plans received on 20th May 2014 as amended by revised plans received on 11th September 2014

Site: Land East of The Bull, The Street, Troston, Bury St Edmunds

Applicant: Greene King

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Dave Beighton
Email: dave.beighton@westsuffolk.gov.uk
Telephone: 01638 719470

Background:

The application must be considered in conjunction with applications submitted under references DC/14/0470/FUL and DC/14/0507/OUT which are elsewhere on this agenda. It is for this reason that it has been presented to DC Committee. The site is also partially on an area designated as public open space and must be considered in light of this in conjunction with DC/14/0470/FUL.

There are also comments from Troston Parish Council (set out in more detail below) who initially objected to the proposal but who now offer cautious support subject to ensuring that the village gets upgraded play facilities in exchange for relinquishing the existing facilities.

The application is recommended for APPROVAL, subject to the signing of a Unilateral Undertaking in relation to the provision of public open space.

Application Details:

1. Full planning permission is sought for the development of vacant land within the grounds of the public house to provide for a pair of semi-detached two storey dwellings, with a single shared access and a detached pair of single storey garages. The site is also partially within adjacent public open space.
2. This scheme proposes the utilisation of the existing access to the pub, amended to ensure that pedestrian access remains available around this flank of the pub.
3. The dwellings include a 1 and a half storey front elevation facing Ixworth Road with two storey elements to the rear. The properties each contain a kitchen / diner, utility room, living room and W/C on the ground floor with three bedrooms (one en-suite) and family bathroom on the first floor.
4. Car parking and turning is available within the site.
5. The scheme also proposes the realignment of the adjacent footpath linking through to the existing public open space to the rear of The Bull. This will result in the loss of some boundary vegetation in this location.

Amendments:

6. There have been amendments received to this application since submission, which have been subject to full reconsultation. These amendments have not revised the number of units but have provided additional plans, at the request of Suffolk County Council, in relation to the vehicular access to the site and the turning arrangements within the site. These confirm that vehicles can enter and leave the site in a forward gear.

Site Details:

7. The application site is presently partly within the curtilage of The Bull public house. It is also partly within an area owned by Greene King but presently

in use for, and designated in the Local Plan as, public open space. It is fenced and contains grass and incidental soft landscaping.

8. The wider site contains The Bull public house, which is presently closed and on the market, but which retains its lawful planning use as a pub. This proposal does not seek to alter or otherwise change the use of the public house. The pub will retain its car parking area (proposed to be rationalised through application DC/14/0507/OUT) as well as the main public house garden located to the immediate rear of the pub.
9. The site is located within the defined settlement boundary for the village of Troston, located to the south of Ixworth Road. The site faces Ixworth Road, with dwellings on the other side of the road of a mixed scale and appearance. To the south east, beyond the pedestrian footpath access to the open space, is a single storey bungalow, and to the north west is the two storey building at The Bull. The rear of the site backs onto the retained public house garden.

Application Supporting Material:

10. Application forms, design and access statement, planning statement and plans.

Planning History:

11. There is some incidental planning history relating to The Bull public house.
12. SE/13/0821/OUT. Outline Application - Erection of 5no dwellings and redefinition of existing "The Bull Inn" following formation of access. Withdrawn

Consultations:

13. Troston Parish Council – initially objected to the proposal (albeit they have noted that if the objections set out below can be overcome then they would be minded to support), included in full as follows

We Object for Two Reasons

In the absence of full details relating to the adequate provision of recreational facilities to replace those that would be lost as a result of the above proposals, Troston Parish Council has no alternative but to object to the above planning applications.

However, if the conditions and obligations outlined below were to be included in any planning consent, we would be minded to support the application.

Our objection has two reasons:

Reason One: The proposal is in breach of planning policy and therefore should not be granted planning permission unless there is a net gain for the village.

The development of a total of 10 houses on the site of Troston's recreation ground (two as a result of application DC/14/0474/FUL and eight as a result of application DC/14/0507/OUT) is in breach of the St Edmundsbury Core Strategy. This states (in paragraph 4.58) that for infill villages such as

Troston, "only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted."

The fact that the proposed development is in breach of policy is confirmed in a letter which St Edmundsbury chief executive Ian Gallin sent to Troston Parish Council on April 9. This said: "The Core Strategy (C.S.) is clear, that infill in small settlements should be limited to 5 dwellings or less. The scheme, as you point out, fails to accord with this element of the C.S. and this is a factor which will weigh against the scheme."

However, we feel that this objection could be counterbalanced by ensuring that there is an improvement in open space provision in line with St Edmundsbury policy for open spaces (see below).

Reason Two: The proposal, even if limited to five houses and therefore within planning policy, does not offer adequate like for like recreational facilities with what the village has at present.

Troston's existing recreational area (where the proposed housing is to be built) is well located and has adequate play facilities for the current population of the village. It is a safe zone, within the housing settlement, where parents can feel comfortable to leave their children to play unsupervised. The village, backed by The Parish Council, has no desire to see the existing play area moved. The site has the protected status of a designated recreational open space.

Action to address Reason One?

Bearing in mind that the development would breach adopted planning policy (and certainly pushing the boundaries of what, in general planning terms, would be acceptable in an infill village) St Edmundsbury is in a strong position to impose tough planning obligations on potential developers of the sites.

In this context we feel it essential that planners follow St Edmundsbury planning policy for open spaces (as explained in para 2.2.1 of Supplementary Planning Document for Open Space, Sport and Recreation Facilities, adopted December 2012). This states that planners should "encourage improvements in open space provision and provide good quality, accessible facilities and that new housing development makes appropriate provision for new and improved facilities".

This clearly goes beyond ensuring that where a recreational open space is built on, alternative provision should merely be provided on a "like-for-like" basis. In practical terms, the Parish Council wants to see the imposition of planning conditions and obligations that will ensure the following:

- a) The area marked "junior children amenity space", and coloured in dark and light green on the plan, should be appropriately landscaped and fenced off. Play areas on the new recreation ground under application DC/14/0470/FUL should similarly be appropriately surfaced to current safety standards and fenced off from the remainder of the site.*
- b) The remainder of the site under DC/14/0470/FUL should be appropriately landscaped, grassed over and properly fenced off from*

surrounding land. A full size football pitch, with posts and nets, should be provided with a playable surface.

c) All overhead power cables running across the site should be removed or diverted (see below).

d) Provision should be made for the funding of changing rooms.

e) Provision should be made not only for the replacement of existing play equipment where this cannot be relocated, but for extra play equipment to be installed at the developer's cost to cater for increased demand as a result of families moving into the new houses.

f) Replacement facilities should be in place before new development commences (as stated in Sport England's comments on the application.)

g) Appropriate vehicular access from the new playing field to Livermere Road should be provided and fully incorporated into any planning permission.

Action to address Reason Two?

The proposal, even if limited to five houses and therefore within planning policy, does not offer adequate like for like recreational facilities with what the village has at present. Our main concern here is twofold:

a) *No provision is made in the application to landscape the whole of the site of the new recreation ground to be handed over to the parish council. True, the PC would benefit from gaining potential use of a larger recreational site in terms of area than it currently has - but the whole site under application number DC/14/0470/FUL is of little use unless properly grassed over and landscaped, which must be a condition of any planning consent.*

b) *The high voltage power cables that currently run across the new recreation ground are a dangerous hazard on a playing field which may well be used for flying kites and model aircraft. Furthermore, the pole in the centre of the field renders its useless as a full size football pitch.*

Other issues

1) *There is currently a ditch running between the site of the two proposed dwellings under application DC/14/0474/FUL and the road. This ditch becomes overloaded in heavy rainfall and can flood the road. Villagers are worried that if simply piped, without thought of the flood of water from heavy rain, this waterway will back up and cause flooding to houses in nearby Church Lane.*

2) *Greene King has pledged to pass ownership of all recreational areas to the Parish Council. This needs to be legally put in place before planning permission is granted.*

3) *Obligations should be put in place to ensure that all recreation facilities to be provided by developers should be completed not only before any building begins, but also any areas are fenced off from the public in anticipation of building at some future date.*

4) *The area under DC/14/0470/FUL which has been allocated for future social housing should be incorporated within the area to be designated as the new recreational open space.*

Conclusion

In the absence of satisfactory details relating to the adequate provision of recreational facilities to replace those that would be lost as a result of the above proposals, Troston Parish Council has no alternative but to object to the above planning applications.

We feel that our objection to the scheme on the basis that it breaches policy for infill villages could be counterbalanced by ensuring that there is a clear and defined improvement, not merely like-for-like, in open space provision in line with St Edmundsbury policy for open spaces.

If the conditions and obligations outlined above were to be included in any planning consent, we would be minded to support the application.

14. A further consultation with the Parish Council was undertaken following the receipt of amended plans. Their further comments, which indicate that they are now 'minded to support' the scheme, are included below –

As stated in our earlier formal objection to planning applications DC/14/0470/FUL, DC/14/0474/FUL and DC/14/0507/OUT, Troston Parish Council is minded to support the proposals so long as certain conditions are met. The latest revisions, while in many respects an improvement on the earlier applications, do not address all of our anxieties and therefore many of the comments in our formal objection are still valid.

However, we are keen to see the proposed development progressed as rapidly as possible and we welcome Greene King's offer (first described in letters to the Parish Council dated 5th November 2012 and 2nd January 2013) to:

- 1. Transfer the freehold of the field on which the new play areas and football pitch will be located at nil cost to the Parish simultaneous to the completion of the sale of the development site together with full rights of access. (Officer Note – the ownership of the land cannot be controlled through the planning process. However the use of the land can be controlled and it is plainly reasonable to ensure that the replacement provision is made available, prior to the redevelopment of the existing space coming forward. This will ensure that responsibility for this is placed on the developer / landowner, not on the Parish Council).*
- 2. Oblige the purchaser of the remaining agricultural land to erect a post and wire fence to the boundary. (Officer Note – a condition is proposed requiring a suitable form of boundary treatment to be provided).*
- 3. Place a restricted covenant on the Bull Public House that it should be regarded as a community asset and will continue as a Public House as soon as possible. (Officer Note – an application can be made to seek the recognition of The Bull as such an asset. However, this is not relevant to the determination of this application since the public house is not proposed to be altered as part of this proposal other than a rationalisation of its car park).*
- 4. Make a condition of the sale that the Developer will be responsible for getting the power cable moved, landscaping and preparing the play areas and football pitch before the commencement of building homes. (Officer Note – see conditions in relation to DC/14/0470/FUL – this is a conditional requirement. it is also a condition requirement that DC/14/0470/FUL is provided in its entirety before any development commences on this site).*
- 5. Provide sufficient funds to enable like-for-like or better play equipment including matting and laying out to approved standards. (Officer Note – as with point 4, this is self policing. It is a conditional requirement of this development that the open space and equipment be provided, in accordance with a scheme to be agreed by the Local Planning Authority, prior to the loss of the existing equipment).*
- 6. Offer on licence to the Parish the part of the field which might be used at some future date for social housing. (Officer Note – this cannot reasonably*

be conditioned or otherwise controlled through the planning process. Any proposal to use land outside the application site for other purposes such as affordable housing will require planning permission in the normal manner).

7. Pay a contribution of £500 including VAT towards the Parish's legal costs. We remain concerned, however, about the lack of detail on the various costs involved and nature of the legally binding agreements on who makes what contribution when. Such details must be included in all planning conditions set down by the planning authorities if the applications are given the go-ahead – otherwise there is a real danger that the village recreational facilities will end up being of a lower standard than they are at present. (Officer Note – this cannot reasonably be conditioned).

Our enquiries, to five leading play equipment providers, indicates that the minimum sums to be about:

Play equipment (only the roundabout can be safely moved) £35,000

Preparation of play area £2,500

Levelling and seeding field including football pitch £12,000

Moving power cable £25,500

Landscaping £5,000

Total £80,000

Probably much of the groundwork could be most economically tackled by the Developer and cost estimates can only be based on commercial judgements made at the time of negotiations with Greene King's Agents. While we are minded to accept the applications DC/14/0470/FUL, DC/14/0474/FUL and DC/14/0507/OUT we would have to oppose plans if they fail to ensure the village gets upgraded play facilities in exchange for relinquishing its existing recreational facilities – particularly bearing in mind that the proposed development is in breach of planning policy for infill villages.

15. Following the Government's announcement and changed policy in relation to S106 contributions on development schemes of 10 dwellings or more, a further consultation was undertaken with the Parish Council seeking comment on the fact that we could no longer reasonably secure the Public Open Space contribution on this scheme. At the time of writing no response had been received and this matter will be updated in the late papers or verbally, as appropriate.
16. Suffolk County Council Archaeological Service – no objections subject to the imposition of conditions.
17. Suffolk County Council Highways – In relation to the amended plans have raised no objections subject to the imposition of conditions.
18. Sport England – Raise no objections or comments specifically in relation to this proposal but offer detailed comments in relation to DC/14/0507/OUT which are considered pertinent to this, noting that it is proposed partially on designated public open space, and which are therefore considered in more detail below.
19. Environmental Health: Contaminated Land – Originally objected on the basis of the lack of a contaminated land assessment. Environmental Services has now withdrawn its objection to planning application due to the receipt of a Phase One Desk Study undertaken by Richard Jackson Ltd,

reference 45202, dated July 2013. As the Phase One Desk Study report recommends intrusive works, recommend the standard land contamination condition is placed on any planning approval.

20. Leisure Services – No objections, but detailed comments made, and considered in more detail below.
21. Tree, Landscape and Ecology Officer – No objections, subject to the imposition of conditions.

Representations:

22. At the time of publication of this report no letters of representation have been received.

Policies:

Development Plan

23. The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 and St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

Replacement St Edmundsbury Borough Local Plan 2016

Policy H4 relates to housing density, and requires residential development to have a net density of at least 30 DPH, unless there are constraints. In locations with good accessibility, higher densities will be encouraged.

Policy H5: Mix of Housing sets out that all housing developments of 15 dwellings or 0.5 hectares or more in urban areas five dwellings or 0.17 hectares or more in settlements with a population of 3,000 or less will be permitted only where they include a mix of house types and sizes.

Policy RU6: Housing Development in the Rural Area. This Policy permits development within the Housing Settlement Boundaries of the villages (including Troston) listed within Appendix A to the Local Plan. This Policy must be read in conjunction with Policy CS4 which limits housing development within infill villages such as Troston to five dwellings or fewer.

Policy L5: Safeguarding Parks and Open Spaces. This Policy goes to the heart of this proposal. The Policy seeks to safeguard existing parks, amenity areas and recreational open space. Development on public, private and school playing fields will not be permitted unless any playing field(s) which would be lost as a result of the proposed development would be replaced by a playing field(s) of an equivalent or better quality and equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

Policy T5 states that parking provision for the parking of vehicles, including cycles, will be required in accordance with the adopted Parking Standards.

St Edmundsbury Core Strategy December 2010

Policy CS2 – This policy deals with Sustainable Development, specifically the protection and enhancement of natural resources and sustainable design of the built environment.

Policy CS3 – Proposals for new development must create and contribute to a high quality, safe and sustainable environment.

Policy CS4 – This policy identifies the settlement hierarchy, and designates Troston as an infill village. These are villages that only have a limited range of services. In these villages, only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted. This would be dependent on other environmental and infrastructure constraints.

Policy CS5 – This policy deals with Affordable Housing, and requires developers to integrate land for affordable housing within sites where development is proposed. The mix, size and tenure should meet local identified housing need.

Policy CS7 – All proposals for development will be required to provide for travel by a range of means of transport other than the private car.

Policy CS13 Rural Areas - Development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Policy CS14 – All new proposals for development will be required to demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure.

Other Material Considerations

24. The emerging Development Management Policies document must also be given appropriate weight, noting that the Inspector's comments have been received following the examination in summer 2014 and are presently being consulted upon. The outcome of this is that considerable weight can now be attached to these policies.
25. The Central Government planning guidance contained within the National Planning Policy Framework is a material consideration, as are the Suffolk Advisory Parking Standards adopted in 2002.

Officer Comment:

26. The issues to be considered in the determination of this application are:
 - Principle of Development including loss of open space
 - Design and Impact upon Character and Appearance
 - Impact upon Amenity
 - Car Parking and Highway Safety Matters
 - S106 and other matters.

Principle of Development including Loss of Open Space

27. The site is located within the settlement boundary of Troston. CS4 identifies Troston as an infill village capable of accommodating development within the settlement boundaries of up to 5 dwellings. This site is considered to be physically distinct from the under reference DC/14/0507/OUT and it is

plainly below the 5 dwelling threshold. Even if it were considered to be contiguous with that site, which officers do not consider to be the case, then the issues considered and concluded in relation to the principle of DC/14/0507/OUT would remain applicable. The loss of a modest extent of the public house garden area is not considered significant in this regard in relation to supporting the principle of development. The public house will be retained along with parking area and a substantial remaining garden area and it is not considered that the loss of this peripheral area within the garden will prejudice the sustainability or viability of the public house.

28. This conclusion offers considerable weight in support of the principle of this development. However, an assessment in relation to Policy L5 is also of relevance noting that this scheme proposes development at least partially on an area of designated public open space. This point must therefore be considered in conjunction with formal comments received from both Sport England and from the Council's Leisure Services Department.
29. Policy L5 summarised seeks to safeguard existing parks, amenity areas and recreational open space. Development on public, private and school playing fields will not be permitted unless any playing field(s) which would be lost as a result of the proposed development would be replaced by a playing field(s) of an equivalent or better quality and equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.
30. This goes right to the heart of the proposal. An assessment must be made as to whether or not the replacement open space proposed on the nearby site under DC/14/0470/FUL is of an equivalent or better quality and quantity, and in a suitable location. Any such space must be subject to equivalent or better management arrangements and must be provided prior to the commencement of the development that would otherwise lead to their loss.
31. Sport England has therefore considered the application in the light of its playing fields policy and this context. The aim of their policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies."
32. The proposal relates to residential development partially on existing recreational land to the rear of the Bull PH. Sport England's exception E4 to the above policy permits development on existing playing fields and recreational open space where: *"The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to*

equivalent or better management arrangements, prior to the commencement of development”.

33. This policy guidance is also enshrined in Para. 74 of the National Planning Policy Framework (2012) which states that, inter alia, the loss of playing fields and recreational land should only be permitted where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
34. This position is also consistent with the provisions of Local Plan Policy L5.
35. In this instance, the existing public open space will be replaced by a larger playing field and open space on the adjoining agricultural land, with a site area of approximately 2.07 hectares, large enough to accommodate a senior football pitch and play areas (according to the indicative layout for this land under DC/14/0470/FUL).
36. The proposal clearly satisfies the quantity and location requirement for replacement provision, as Members will note through the reports presented in relation to DC/14/0470/FUL and DC/14/0507/OUT, whilst the qualitative requirement can be met through a condition imposed on application ref: DC/14/0470/FUL. It is understood that management arrangements will remain the same (i.e. through the Parish Council) therefore the only remaining policy requirement is for the replacement playing field and open space provision to be provided prior to the loss of the existing facility, which can be covered by the imposition of an appropriate planning condition.
37. This being the case, Sport England has not sought to raise an objection to this application, subject to the imposition of the following condition;
- Development shall not commence on the proposed new residential dwellings until the replacement playing field provision approved under planning ref; 14/0470/FUL has been provided and is ready for use.*
- Reason; To ensure that the replacement playing field is provided prior to the loss of the existing facility, in order to satisfy Sport England adopted policy, NPPF Para. 74 and Local Plan Policy L5.*
38. It should be clarified that support for this proposal is in this regard is subject to planning consent being granted and implemented for the replacement playing field provision on the nearby land (reference DC/14/0470/FUL). If, for whatever reason, that application were to be refused planning consent, then Officers would not be able to support the proposal for residential development on the current site, noting that it would, partially at least, lead to the loss of presently designated open space without effective replacement having been made.
39. This matter must also be assessed in conjunction with comments from Leisure Service and must also be considered in the context of DC/14/0470/FUL, which is due to be considered previously on this agenda. In summary, Leisure Services have no objection to the loss of the open space subject to its replacement in the form of the development to be provided under DC/14/0470/FUL. This matter is explored in greater detail within the report in relation to that application.

40. With this in mind Officers are satisfied that the principle of this development can be supported.

Design and Impact upon Character and Appearance

41. The site is presently in use partially for public open space purposes and partially as the garden associated with The Bull public house. The site contains incidental soft landscaping and timber fencing and is readily visible from Ixworth Road which it fronts. Whilst it does add intrinsically to the character and appearance of the area by reason of its existing landscaping it is not of such value that it should be otherwise protected from development, noting its location within the defined settlement boundary of the village. Its acceptability, or not, therefore falls to be considered based on the design and appearance of the dwellings proposed.
42. The design and layout of the development proposed is considered to be suitable, and also appropriate for this village context, being commensurate in spacing, position, orientation, scale and appearance with the wider lower density village residential character in the immediate vicinity of the site. The proposed dwellings positively address Ixworth Road and maintain an acceptable street scene and wider character in this context.
43. Accordingly, it can be considered that the impacts upon the character and appearance of the area will be satisfactory.

Impact upon Amenity

44. The layout and footprint of development as shown on the submitted plans is considered sufficient to ensure an acceptable impact upon amenity. The site is bounded to the north west by the two storey public house building, but is sufficiently distant for there to be no material impact upon the amenities of the eventual occupiers. No materially adverse impacts are anticipated from the use of the public house building and garden should such recommence. This may have some modest, but acceptable, amenity impact upon residents in their private gardens but this is a decision they would freely make when choosing to purchase a property adjacent to a pub and beer garden and any harm here must be seriously limited as a result. Furthermore, and notwithstanding this, no objection in this regard has been received from Environmental Services.
45. To the south east the dwellings are separated from the single storey dwelling at 'Siesta' by a flank to flank distance of approximately 10 metres, plus by the re-orientated footpath through to the open space to the rear. Notwithstanding the greater scale of the application properties therefore it is considered that this relationship will be sufficient to maintain mutual amenities.
46. The relationship to properties on the other side of Ixworth Road is generally two-storey to two-storey across the public highway. There will no mutual impacts upon amenity therefore.
47. The proposed dwellings are considered to have a sufficiency of private amenity space commensurate with their scale.

Car Parking and Highway Related Matters

48. The scheme proposes access of Ixworth Road, through use of an existing vehicular access to the pub. The pub will maintain pedestrian access along its eastern flank, as well as the ability to be serviced through the retained

car park on the western side of the building. Subject to conditions the scheme satisfies the technical requirements of the County Council and the layout ensures a sufficiency of private car parking spaces within the site as well as the ability for vehicles to enter and leave the site in a forward gear.

S106 and other matters including trees and biodiversity

49. The revisions to the NPPG, dated 28th November 2014, state as follows –

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

•contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

•in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.

•affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.

50. The proposal is for a single dwelling and in accordance with this revised national policy, the seeking of a contribution towards the cost of Public Open Space is no longer appropriate and the absence of such cannot be used as a reason to resist the proposal.

51. There are no other reasons to restrict the grant of planning permission.

Conclusion:

52. The application can be supported in principle subject to the loss of public open space being satisfactorily replaced prior to the loss of the exiting space. It can be concluded that the replacement space proposed under DC/14/0570/FUL will be satisfactory, subject to that application being approved.

53. Therefore this application is recommended for approval subject to the conditions below.

54. It must also be the case that this application should only be considered favourably if consent has already been granted by Committee under reference DC/14/0470/FUL. If DC/14/0470/FUL has been refused then Officers would wish to withdraw this item from the agenda pending a revised recommendation for refusal on the basis that the proposal would no longer satisfy the requirements of Local Policy L4, the provisions of the NPPF, or the provisions of Sport England's Policy in relation to the loss of

playing fields and open space since adequate replacement would no longer be available. Likewise, if DC/14/0470/FUL is deferred for any reason then Officers would anticipate a deferral of this item for further consideration at the same time

Recommendation:

55. Grant Permission subject to the following CONDITIONS:

1. Time limit (01A)
2. Compliance with plans (14FP)
3. Samples of external materials (04C)
4. Development shall not commence on the proposed new residential dwellings, or on any other part of the site hereby approved, unless and until the replacement playing field and public open space provision approved under planning reference 14/0470/FUL has been provided and is ready for use in accordance with that consent and any conditions associated with it.

Reason: To ensure that the replacement playing field is provided prior to the loss of the existing facility, in order to satisfy Sport England adopted policy, NPPF Para. 74 and Local Plan Policy L5.

5. Boundary treatments (12B).
6. Construction Hours (14D – 08:00 18:00 Monday to Friday, and 08:00 – 13:00 Saturday, with no working on a Sunday or Bank Holiday)
7. Details of hard landscaping, and implementation (23J)
8. Details of soft landscaping, and implementation (23C)
9. The trees shown on the submitted landscape drawing (3382-D Rev B) to be retained shall be protected in the manner shown on Hayden's 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan' report dated 12th March 2014 (reference 3382 Revision B) or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

10. 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 the National Planning Policy Framework (2012).

11. 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 the National Planning Policy Framework (2012).
12. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form. Reason: To prevent hazards caused by flowing water or ice on the highway.
13. Occupation of either of the dwellings hereby permitted shall not commence until the area(s) within the site shown on drawing 'Highway Layout' received to planning helpdesk dated 20th May 2014 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes. Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
14. Contaminated Land Condition (15A).

Documents:

All background documents including application forms, drawings and other supporting

documentation relating to this application can be viewed online:

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N2KN8VPDISP00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, St. Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St. Edmunds, Suffolk.

The development plan policies and National Planning Policy Framework referred to in this report can be viewed via the following link:

<http://svr-cms-01/westsuffolk/DevPlanPol.html>

Case Officer: Dave Beighton

Tel. No. 01638 719470



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 August 2015

Planning Application DC/14/1361/VAR Land East of Hamlet Road, Haverhill

Date: 8 September **Expiry Date:** 8 December 2014
Registered: 2014

Case Officer: Gemma Pannell **Recommendation:** Grant

Parish: Haverhill **Ward:** Haverhill South

Proposal: Planning Application - Erection of 91 dwellings together with drainage, access onto Hamlet Road, garaging, parking, landscaping and all ancillary works (following demolition of existing football club facilities) without compliance with conditions No. 4, 5, 6, 9 and 10 of SE/11/1443 to enable alterations to landscaping and boundary treatment.

Site: Land East of Hamlet Road, Haverhill

Applicant: Bloor Homes Eastern

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Gemma Pannell
Email: gemma.pannell@westsuffolk.gov.uk
Telephone: 01284 757494

Background:

This application is referred to the Committee because the application is a Major Application and the Town Council have objected to the application, contrary to the Officers' recommendation of approval.

The original application (SE/11/1443) was considered by Development Control Committee, following a site inspection, in August 2012.

This application was deferred by the Development Control Committee on 8th January as set out below :

Consideration of this application be deferred to enable further investigations being made into:

- (1) the effectiveness of the surface water drainage system, including seeking clarification from the Environment Agency and Anglian Water as to whether they were aware of the apparent surface water run-off issue affecting Croft House; and**
- (2) whether the planting of trees were in accordance with the approved design, including seeking comments from the Highway Authority in respect of the potential impact on the adjacent highway.**

Proposal:

1. Planning permission is sought for a variation of conditions 4, 5, 6, 9 and 10 of SE/11/1443/VAR.
2. **Condition 4** required that within 3 months of the commencement of the development, a landscape management plan relating to the landscaped areas types nos 1 to 5, identified on csa/1837/100 rev E dated and received 30 May 2012 including long term design objectives, management responsibilities and maintenance schedules for the amenity grass/woodland/pond areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing with the Local Planning Authority.
3. **Condition 5** states that all planting and seeding comprised in the approved details of landscaping along the site boundaries and within the site, including the water features all shown on drawing nos. csa/1837/100 rev E dated and received 30 May 2012 and Csa/1837/103 received 12 June 2012 shall be carried out in the first planting and seeding season following the completion of the ground works and prior to the first use of the access road hereby approved to serve any residential dwelling. Any trees or plants which within five years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to

any variation.

4. **Condition 6** relates to the woodland at the rear of the site and requires that within 3 months of the commencement of the development, a woodland management plan relating to the existing woodland belts that are identified on plan csa/1837/100 rev E dated and received 30 May 2012 to be retained including long term design objectives, management responsibilities and maintenance schedules for the amenity grass/woodland/pond areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing with the Local Planning Authority.
5. **Condition 9** refers to the list of approved drawings attached to the decision notice (SE/11/01443). These will need to be varied in order that the amended plans form part of the list of approved drawings.
6. **Condition 10** requires the implementation of a surface water drainage scheme and states that development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Evidence that infiltration drainage will not function satisfactorily at this site;
- Details of the location and sizing of the drainage systems to dispose of the surface water;
- Details of pollution prevention measures to be installed;
- Discharge of surface water to sewer, will be restricted to 6l/s at the request of Anglian Water;
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change;
- Details of how surface water will be conveyed to the proposed system and calculations demonstrating that conveyance networks are appropriately sized;
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

7. The application has arisen as work has commenced on site and further investigations have taken place with regard to the surface water drainage ponds which were to be a central feature of the public open space. It has become apparent that the arrangement of the ponds would not physically receive enough surface water runoff to provide an attractive area of public open space and it is considered therefore that the scheme should be amended to remove the ponds and introduce a central landscaped feature which would provide a more attractive centre piece.

Application Supporting Material:

8. Information submitted with the application as follows:
 - Woodland Management Plan
 - Landscape Plans
 - Surface Water Drainage Details

Site Details:

9. The site comprises 3.85 hectares. 2.5ha of the site is allocated for residential development in the Replacement St. Edmundsbury Borough Local Plan 2016. The 2.5ha comprises the former football ground. The redundant buildings and floodlighting have been demolished and cleared away. The site is within the Haverhill Housing Settlement Boundary to the rear of dwellings fronting the north side of Hamlet Road, south east of the town centre.
10. Access to the site is via the existing access road that is located between no.16 and 18 Hamlet Road. The access road serves the application site, the 3 dwellings that comprise Tudor Close and give access to the rear of no.16 to 38 and Croft House Hamlet Road, which have parking to the rear of their dwellings accessed via a private access road that links to Croft Lane. The private access road between Croft Lane and the site access (marking the northern site boundary) is in private ownership and does not form part of this application. An existing public footpath runs along the eastern boundary of the site.
11. Residential dwellings bound the site on three sides (north) – nos 16 to 38 Hamlet Road, (east) – 1 to 3 Croft Lane and 43 to 48 Beaumont Court and (west) 1 to 3 Tudor Close and 28 to 33 Vanners Road.
12. The 1.35 ha of land to the south, immediately adjoining the light industrial buildings off Holland's Road was formerly a railway goods yard, part of which has been used as allotments. It is now largely a woodland belt. There is also a Tree Preservation Order on the site (No. 519) which includes a run of mature trees located to the site's north boundary of the site, but also refers to the woodland belt.
13. The woodland belt and land running along the eastern side of the pitch are designated as 'Amenity Open Space' (AOS) under policy L5 of the Replacement St Edmundsbury Borough Local Plan 2016 and is therefore safeguarded from development. The AOS is also located just outside the

Haverhill Housing Settlement Boundary. Policy HAV1c does not include AOS. However in an effort to provide a more centrally located open space that would act as a focal point for the development the proposed layout shows development on the amenity open space located to the eastern side of the football ground, with alternative open space located centrally within the site.

14. The Hamlet Road Conservation Area is located close to the development site, principally on the far side of Hamlet Road, but also comprising a number of buildings adjacent to the application site and part of the vehicle access off Hamlet Road. The local conservation area has been fully appraised within the Hamlet Road, Haverhill Conservation Area Appraisal and Management Plan (September 2008).
15. There is a significant change in levels across the site, with the land rising from Hamlet Road towards the employment area to the rear. The access to the site is from Hamlet Road. The football club that formally used this site has been relocated to improved facilities off Chalkstone Way.

Planning History:

16. SE/11/1443 – Regulation 4 Application – Erection of 91 dwellings together with drainage, access onto Hamlet Road, garaging, parking, landscaping and all ancillary works (following demolition of existing football club facilities) amended scheme revised by plans received 11th April and supported by transport assessment received 17th April 2012 and further amended by plans received 31.5.12 showing alterations and details in respect of open space, flood routing, fencing, walls, railings, sheds and cycle stores, substation, highway works, plot 88 and landscape strategy as supported by Reptile presence/absence survey date 20.6.12 and Bat Surveys received 06.07.12 and 10.07.12. Granted 28.08.2012

Consultations:

17. Landscape and Ecology Officer: No objection:

ORIGINAL COMMENTS:

Land to the north of Croft House - I am content that removal of the trees away from the boundary will allow the trees more room to mature without impacting significantly on the adjacent property. I would recommend that *Carpinus betulus* is not used in this location and that this tree is substituted with one of the other species.

Northern boundary - I would also suggest that any trees along the northern boundary that have not yet been planted are pulled away from the boundary into the site to reduce nuisance to neighbours.

Central POS - I would prefer to see a more substantial tree in the centre of the labyrinth such as an oak. Also *Carpinus betulus* is a heavy canopied tree and would be better located within the grass areas rather than overhanging the labyrinth and shrubs – perhaps a juggle of the tree species could sort this out. The other aspects of this redesign seem acceptable.

FURTHER COMMENTS:

Central POS

The plans have been amended and the new proposal is to place a Liquid amber tree in the centre of the labyrinth. The other trees have also been amended to address my previous concerns.

We are still awaiting confirmation regarding the other aspects above however the developer has confirmed that the changes will be acceptable to them.

Woodland management plan

A number of changes to the woodland management plan have been proposed and preliminary drawings submitted; namely the utilisation of the existing concrete base to form the main link through the site. This will provide a continuation of the existing railway walk to the east through to POS immediately to the west of this site. The principal of the changes is agreed subject to the submission of revised details which could be dealt with by condition.

18. Sport England: Sport England raises no objection as this application merely seeks variations to the previous scheme which was considered to meet exception E4 of our playing fields policy (provision of replacement facilities).
19. Environment Agency: No objection to the proposed Variation of Condition 10 – Surface Water drainage. However, the discharge of surface water to sewer appears to be 6.4l/s during the 1 in 100 critical rainfall event, including allowances for climate change (PN 1.013). This is slightly in excess of the 6l/s conditioned rate.
20. Environmental Health (Public Health & Housing): No objection
21. County Archaeological Service: All required archaeological works at this site have been completed. I have no objection to the proposal and do not believe any archaeological mitigation is required.
22. County Minerals & Waste: No further comment
23. Suffolk Fire & Rescue Service: Additional fire hydrants may be required for this development
24. Suffolk County Council Rights of Way: I can see the merit of connecting Croft Lane (public footpath 14) to the public open space footpath in the north east corner of the new estate, which would require the creation of an additional area of public footpath. The powers exist under the Highways Act 1980 S.26 to create a public footpath by order, where "... it appears to a local authority that there is need for a footpath or bridleway over land in their area and they are satisfied that, having regard to—

(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of

persons resident in the area, and

(b)the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 below..." etc. Read more here: <http://www.legislation.gov.uk/ukpga/1980/66/section/26>. I believe both of our authorities have the power to make an order under S.26.

Representations:

25.Haverhill Town Council: Strong objection to the variations being requested. The application had been given planning permission subject to important conditions to address concerns such as those we raised for SE/11/1443 and the developers should be held to them. There is insufficient detail made available to justify these conditions not being complied with.

26.Neighbours: Representation received from the occupiers of Croft House, Croft Lane making the following summarised comments:

- The above application clearly shows the close boarded fence to be erected to the left hand side of our property (Croft House, Croft Lane) which is in line with the existing chain link fence and in line with the boundary of our building. Therefore why has this fence been allowed to be built some 26" from that boundary? Is that to be removed and put back to its correct position? The present chain link fence belongs to Bloor Homes, is it to remain so?
- Clearly the plan shows that there are no trees adjacent to our property so why have Bloor Homes planted trees there?
- There is also no mention of drainage on the open land between our property and Bloor Homes development.
- The public access into Croft Lane crosses land that Bloor Homes nor the Council own. This also represents a danger to pedestrians entering Croft Lane from the site. There doesn't seem a need for this access when there is access further up the lane.

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

- DM2 Creating Places
- DM11 Protected Species
- DM12 Mitigation, Enhancement, Management and monitoring of biodiversity
- DM22 Residential Design
- DM42 Open Space, Sport and Recreation Facilities
- DM44 Rights of Way
- DM45 Transport Assessments

- DM46 Parking Standards
27. St Edmundsbury Core Strategy December 2010
- CS1 St Edmundsbury Spatial Strategy
 - CS2 Sustainable Development
 - CS3 Design and Local Distinctiveness (as supported by Supplementary Planning Document – Development Design and Impact)
 - CS4 Settlement Hierarchy and Identity
 - CS5 Affordable Housing
 - CS7 Sustainable Transport
 - CS12 Strategy for Haverhill
 - CS14 Community Infrastructure capacity and tariffs
28. Haverhill Vision 2031
- HV1 Presumption in Favour of Sustainable Development
 - HV2 Housing Development with Haverhill
 - HV6b Housing on Brownfield Sites (Hamlet Croft)

Other Planning Policy:

29. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

30. The issues to be considered in the determination of the application are:
- Principle of Development
 - Landscaping and Public Open Space
 - Surface Water Drainage
31. The site has the benefit of planning permission for the redevelopment of the site for 91 dwellings and therefore the principle of development has already been established.
32. This current application merely seeks to amend the proposed strategic landscaping of the central open space, including the reconfiguration of the surface water drainage and includes amendments to the proposals for the woodland belt at the rear of the site.
33. One of the changes has been brought about as a result of the developer selling a small portion of land to the adjoining land owner at Croft House. This has been to the benefit of Croft House which now will be able to maintain the windows of the property and will no longer have the development boundary along the external wall of their property.
34. Whilst there have been some issues between the developer and the owner of Croft House, many of these are civil matter between the two parties, for example the position of the fence and the nature of its construction. However, due the Local Planning Authority's consideration of this application we have sought to aid negotiations between the two parties and Bloor Homes have confirmed that they will reposition the fence so that it is in the correct position. Since the consideration of the application

in January, Bloor Homes have agreed a programme of work with Mr Oakley and this work took place in July.

35. It has also been agreed that trees planted along the boundary with Croft House will be repositioned elsewhere on the site to ensure that they do not cause any future problems to the occupiers of Croft House.
36. The second element to the proposal is the re-design of the central public open space. This has been brought about as a result of changes to the sustainable urban drainage system which have taken place as further consideration was given to the engineering of the system. It was considered that the use of ponds in the central public open space as part of the SUD's system would create an attractive feature whilst having the capacity to deal with storm events. However, it has now been ascertained that the "ponds" would not hold water during normal use and as such would be a bare feature which would not enhance the public open space or provide any level of visual amenity to residents.
37. Therefore alternative underground holding tanks have been proposed which will cope with storm events and therefore the central public open space can be re-planned. The alternative proposal is in the form of a landscaped feature which is a planted labyrinth with a central tree to provide a focal point.
38. The Environment Agency are satisfied that the new arrangements would be acceptable and will enable the site to effectively manage surface water drainage from within the site. Anglian Water have confirmed that they have no objection to the slight increase in the rate of discharge from 6 l/s to 6.4 l/s. Therefore it is considered that the concerns raised by the residents have been adequately addressed. The County Flood Officer has also reviewed the proposals, following the deferral of the application in January and is of the view that as the S104 agreement is in place with Anglia Water for their adoption of the scheme that the drainage scheme is sufficient for its purpose and Anglian Water have adopted it as sufficient for the development.
39. The third element for consideration is the area of woodland to the rear of the site which was subject to condition 6 which required details of a woodland management plan. Discussions have been on-going with regard to the best and most appropriate way to manage this area to the rear, which is to remain in the applicants control and management. Initial plans had included informal paths across the site but this had disregarded the existence of an existing concrete path which runs along the rear boundary of the site and, once cleared will provide a strong link from public footpath FP14 to link through the site to the open space that St Edmundsbury owns and maintains which adjoins the site which then provides good access to the town centre.
40. Therefore the woodland management plans have been amended as work has begun to clear the debris and rubbish from the site which has led to a greater understanding of the site's context and connectivity. It is considered that by utilising the existing concrete path this will provide a

more usable link for pedestrians and once clearance of scrub and rubbish has taken place the woodland will form an attractive part of the wider open space on the site.

41. The only other issue that has arisen during the consideration of the application is the introduction of a footpath link onto Croft Lane. The original application approved a footpath within the site which stopped at the boundary to the site. There is then a small area of unregistered land outside of the applicants' control which abuts public footpath 14. Concerns had been raised that the construction of the footpath on site would then stop at the boundary to the site and there would be no ability for this to be connected to the public footpath, leaving an unsatisfactory arrangement. However, Suffolk County Council Public Rights of Way have confirmed that they are able to make an order across unregistered land to create the link to the public footpath and they welcome this proposal which improves connectivity across the entire site. Therefore, officers remain of the opinion that the footpath should be constructed as originally approved and the applicant is happy that this would also have been the case and will be looking to construct the footpath on the land within their control.
42. Officers are satisfied that a mechanism exists such that the new footpath can be connected to the existing public network and therefore it is a desirable proposal which should remain within the application. There is not considered to be any detrimental impact on the highway itself as a result of these proposals and the Highway Authority remain satisfied with the proposals outlined.

Conclusion:

43. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Approved** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The materials used on the construction of the development shall be in accordance with S230-05 Rev B including Marley Garsdale Fibre Cement Slate – colour blue/black & drawing no. S230-14.
3. The existing trees and hedges on the site as detailed on plan number csa/1837/100 rev E dated and received 30 May 2012 shown to be retained shall be adequately fenced as described below in accordance with a details that shall have first been submitted to the Local Planning Authority and approved in writing, (and the Local Planning Authority shall be advised in writing that the fencing has been erected) before any

equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. All trees to be felled shall be soft felled.

The fencing shall be erected outside the outermost spread of the tree canopy and shall consist of Heras fencing (or similar). Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior consent in writing of the Local Planning Authority.

4. Within 3 months of the date of the decision, a landscape management plan relating to the landscaped areas types nos 1 to 5, identified on csa/1837/100 rev E dated and received 30 May 2012 including long term design objectives, management responsibilities and maintenance schedules for the amenity grass/woodland/pond areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing with the Local Planning Authority.
5. All planting and seeding comprised in the approved details of landscaping along the site boundaries and within the site, including the water features shall be carried out in the first planting and seeding season following the date of this decision. Any trees or plants which within five years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
6. Within 3 months of the date of this decision, a woodland management plan relating to the existing woodland belts that are identified on plan csa/1837/100 rev E dated and received 30 May 2012 to be retained including long term design objectives, management responsibilities and maintenance schedules for the amenity grass/woodland/pond areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing with the Local Planning Authority.
7. The approved Construction Method Statement, submitted under SE/11/1443 shall be adhered to throughout the construction period.
8. Within 21 days of the date of this decision, details of the estate roads and footpaths, (including layout, levels, street lighting, gradients, surfacing, street signs and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out as approved before the occupation/use of any of the dwellings/units it serves first commences. The approved details

shall be retained unless any variations are agreed in writing with the Local Planning Authority.

9. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans.
10. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Evidence that infiltration drainage will not function satisfactorily at this site;
- Details of the location and sizing of the drainage systems to dispose of the surface water;
- Details of pollution prevention measures to be installed;
- Discharge of surface water to sewer, will be restricted to 6l/s at the request of Anglian Water;
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change;
- Details of how surface water will be conveyed to the proposed system and calculations demonstrating that conveyance networks are appropriately sized;
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

11. The verification plan provided within the Supplemental Site Investigation Report, ref GN15861_SSI prepared by Harrison Group Ltd dated November 2012 and Verification Report ref GN15861 Ver 1 prepared by Harrison Group Ltd dated February 2013 shall be implemented as approved.
12. The long term monitoring and maintenance plan provided within the Supplemental Site Investigation Report, ref GN15861_SSI prepared by Harrison Group Ltd dated November 2012 and Verification Report ref GN15861 Ver 1 prepared by Harrison Group Ltd dated February 2013 shall be implemented as approved.
13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this

unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

14. Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
15. Fire hydrants shall be provided as set out in drawing no. 10284857 received on 17th Feb 2014.
16. Demolition, site clearance/preparation, earth works, deliveries or construction works etc shall not take place outside 0800 and 1830 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.
17. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level or better, in accordance with the approved details except with the written agreement of the Local Planning Authority.
18. No other part of the development shall commence until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Drawing No. S230-SK7 Rev A received 11 April 2012. Thereafter the access shall be retained in the approved form.
19. None of the dwellings hereby approved shall be occupied until the area(s) within the site shown on drawing no. S230-02 Rev C received 6 July 2012 for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.
20. The approved works to the existing listed wall adjacent to the access off Hamlet Road shall be carried out in accordance with drawing no. S230 SK12AI unless otherwise agreed in writing by the Local Planning Authority.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) or the details shown on drawing number S230-40 A hereby approved no internal walls shall be constructed and no other works shall be undertaken/implemented to subdivide the triple garage located on the ground floor of plot 88.
22. The development shall be served by a high speed broadband connection.

23. The detailed design scheme including a method statement for all foundation and other works involving ground disturbance (including service trenches) set out within plans received on 12th September 2014, shall be carried out in precise accordance with the approved scheme and method.
24. The development hereby approved shall be implemented in full accordance with the schemes of ecological mitigation submitted with the application contained in the following documents unless prior written consent of the Local Planning Authority is obtained for any variation:
- Revised Bat Assessment and Roost Survey Report by Eco Planning 17th July 2012
 - Bat Roost trees Survey Report by Eco Planning 11th July 2012
 - Bat Roost Assessment Report by Eco Planning 13th December 2011
 - Reptile Translocation Letter by J Wragg of Bloors 5th July 2012
 - Reptile Presence & Absence Survey Eco Planning UK 22th June 2012
 - Reptile Survey & Mitigation Survey by Eco Planning UK 6th December 2011
 - Ecological Assessment Survey by Eco Planning UK 6th December 2011
 - Badger Survey by Eco Planning UK 6th December 2011
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) the floorspace shown within the curtilage of any dwelling for the purpose of garaging and/or car parking shall be retained solely for the garaging and/or parking of private motor vehicles and for ancillary domestic storage incidental to the enjoyment of the associated dwelling and shall be used for no other purpose.
26. Before any part of the development is commenced, precise details of the existing site levels and the proposed finish floor slab levels and roof heights of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the submission of a street scene elevation drawn to a scale of not less than 1:100 indicating the relationship of the proposed development to Hamlet Road and Tudor Close. The development shall be carried out in full accordance with the approved details.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<http://planning.stedmundsbury.gov.uk/online-applications/simpleSearchResults.do;jsessionid=8DA5A3F443C9F9AA381735C1CE6082F0?action=firstPage>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY (or West Suffolk House details as applicable)

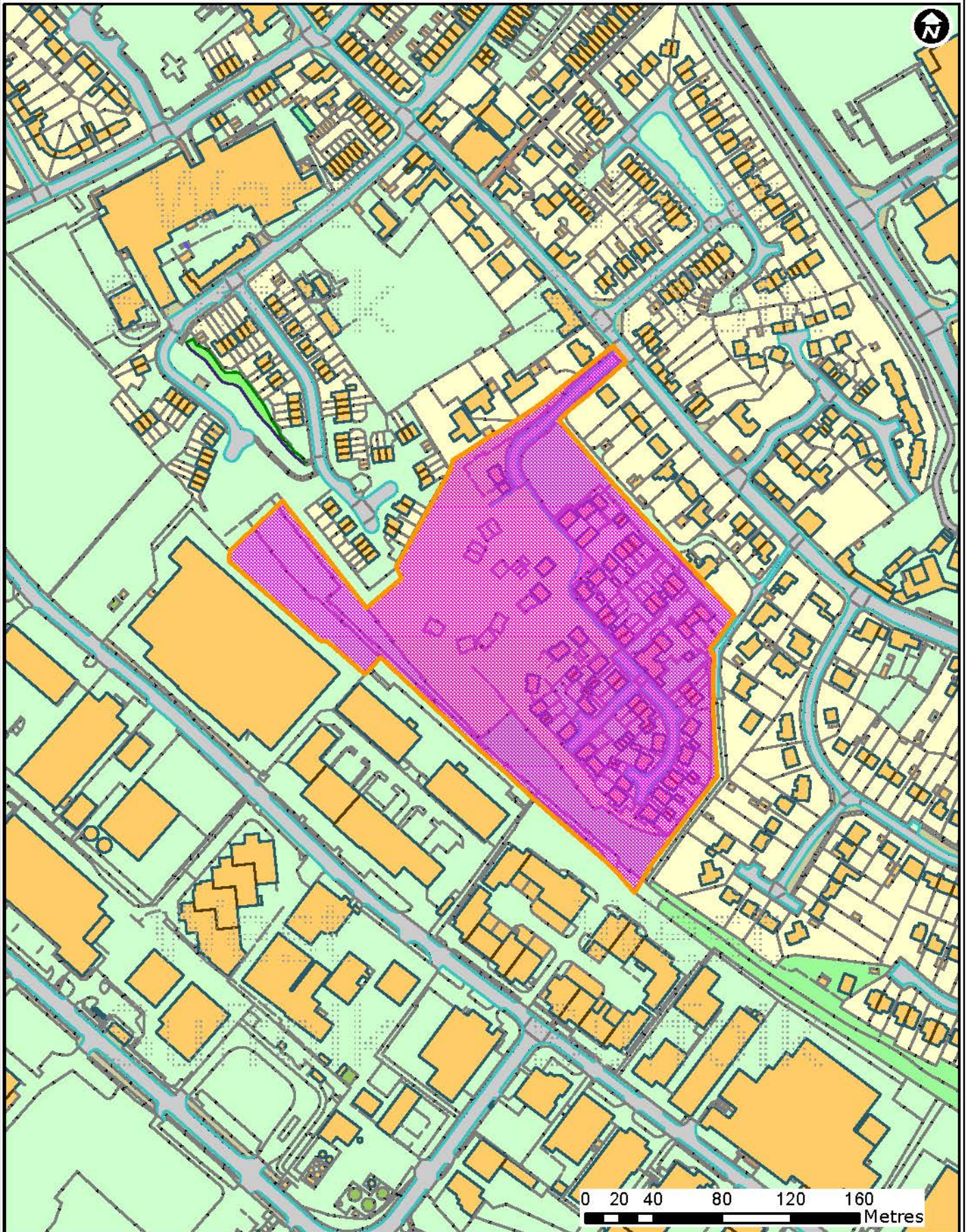
Case Officer: Gemma Pannell

Tel. No. 01284 757494

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DC/14/1361/VAR

Land East of Hamlet Road, Haverhill



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West Suffolk
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Scale: 1:3,021
Date: 20/07/2015

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LEGEND

- 1.8m HIGH BRICK WALLS
- 1.8m HIGH TIMBER FENCING
- 1m HIGH METAL PARKLAND FENCING
- TREES SHOWN THUS ARE T.P.O TREES TO BE RETAINED
- AREAS SHOWN THUS ARE ROOT PROTECTION ZONES
- TREES SHOWN THUS ARE TO BE RETAINED
- TREES SHOWN THUS ARE TO BE REMOVED
- TREES SHOWN THUS ARE NEW TREES
- EXTENT OF CONSERVATION AREA EFFECTING HIGHWAYS WORKS
- PRIVATE HOUSE PATIOS 1.8M X 1.8M
- AFFORDABLE HOUSE PATIOS 1.35M X 1.35M
- INDICATES BLOCK PAVING LAYED HERRING BONE PATTERN
- INDICATES BLOCK PAVING LAYED HORIZONTALLY FOR DRIVEWAYS WHERE SHOWN
- INDICATES TARMAC FINISHES
- DENOTES AFFORDABLE HOUSING LOCATIONS
- INDICATES AREAS OF LANDSCAPING
- INDICATES FEATURE HOUSE TYPES
- INDICATES FEATURE WINDOWS

HOUSETYPE SCHEDULE

BAM -	BAMPTON	3 BED HOUSE	20 No.
SOM -	SOMERBY	4 BED HOUSE	9 No.
ARD -	ARDEN	3 BED HOUSE	3 No.
OXB -	OXBRIDGE	3 BED HOUSE	5 No.
DUR -	DURSLEY	4 BED HOUSE	4 No.
LAN -	LANGLEY	3 BED HOUSE	4 No.
FAR -	FARNHAM	2 FLAT	1 No.
HAM -	HAMILTON	4 BED HOUSE	15 No.
MAR -	MARFORD	2 BED HOUSE	3 No.
FAI -	FAIRBURN	2 BED FLAT	1 No.
PRIVATE TOTAL			64No.
FOG	2 BED FLAT (Affordable)	1 No.	
1B2P	1 BED FLAT (Affordable)	5 No.	
2B3P	2 BED HOUSE (Affordable)	5 No.	
2B3P	2 BED FLAT (Affordable)	6 No.	
3B5P	3 BED HOUSE (Affordable)	8 No.	
4B6P	4 BED HOUSE (Affordable)	2 No.	
AFFORDABLE TOTAL			27No.
SITE TOTAL			91No.

REFER TO CSA LANDSCAPE CONSULTANTS DRAWINGS FOR DETAILS OF ALL SOFT AND HARD LANDSCAPE FINISHES. IN ADDITION ALSO REFER TO S230-05 FOR MATERIALS

Description	Int	Date	Rev	Description	Int	Date
			E	Plots 40-41 & 44-46 relocated further comments received from urban designer	NJS	July 12
			D	FOOTPATH ADDED TO PLOT 20 - LINKING TO PARKING SPACES	JDE	JUN 12
			C	LAYOUT REVISED FURTHER TO MEETING ON 04.05.12	NJS	MAR 12
			B	LAYOUT REVISED FURTHER TO LPA AND CONSULTEE COMMENTS	NJS	MAR 12
			A	LAYOUT REVISED FURTHER TO LPA COMMENTS	NJS	JAN 12
E	AMG	July 14		Site boundary revised adjacent to Croft House to suit new legal boundary and SUDS feature removed from central POS area.		

Site Name: **HAMLET CROFT, HAVERHILL**

Drawing Title: **PLANNING LAYOUT**

Scale: 1:500 @ A1
Date: 05/10/2011

Drawn by: NJS
Check by: JW

Dwg No: **S230/01**

Rev: **F**

Information Tender Construction AsBuilt

BLOOR HOMES

Bloor Homes Eastern
Mariner House, Skyliner Way, Bury St Edmunds, Suffolk, IP32 7YA
Tel: 01284 752295
Fax: 01284 752213
Web: www.bloorhomes.com

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 August 2015

Planning Application DC/15/1283/FUL 120 Horringer Road, Bury St Edmunds

Date 24 June 2015 **Expiry Date:** 19 August 2015

Registered:

Case Charlotte **Recommendation:** Approve

Officer: Waugh

Parish: Bury St. **Ward:** Westgate
Edmunds

Proposal: Planning Application - Retention of single storey annexe to continue use as separate dwelling

Site: The Annexe, 120 Horringer Road, Bury St Edmunds, IP33 2EE

Applicant: Mr and Mrs Goodspeed

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application is referred to the Committee as the applicant is a member of staff.

Proposal:

1. The application seeks permission for the existing detached annexe which currently serves 1 Bristol Road, to be used as an independent dwelling.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Block Plan
 - Existing elevations and floor plans
 - Planning Statement

Site Details:

3. The property was built in 2000 for use by a dependant relative, it is single storey and detached, benefiting from a separate access and parking area to the east of the building. A modest sized garden surrounds the property which currently links through to the garden of the main house (1 Bristol Road). The site is within the Housing Settlement Boundary.

Planning History:

4. SE/00/1669/P - Planning Application - Erection of conservatory on rear elevation of annexe – Granted
5. E/99/2500/P - Planning Application - Erection of single storey annexe for dependent relative and construction of vehicular access as - Granted

Consultations:

6. Highways Authority: No objections subject to condition.
7. Public Health and Housing: No objections.

Representations:

8. Bury St. Edmunds Town Council: No comments received.
9. No third party representations have been received.

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

10. Joint Development Management Policies Document:

- Policy DM1 Presumption in favour of sustainable development
- Policy DM2 Creating places
- Policy DM22 Residential Design

11. St Edmundsbury Core Strategy December 2010

- Policy CS1 Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness as supported by supplementary planning document 'Development Design and Impact'.
- Policy CS4 Settlement Hierarchy

12. Bury Vision 2031

- Policy RV1 Presumption in favour of sustainable development.

Other Planning Policy:

13. National Planning Policy Framework (2012)

Officer Comment:

14. The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on amenity
- Other matters, including highway safety

15. The above policies seek to ensure that new dwellings are located in sustainable locations, utilise good design and do not have an adverse impact on highway safety or residential amenity. In this case, the property is already built, it is modest in scale, surrounded by other residential uses and fronts a main road in to Bury St. Edmunds town centre. As such, it is considered to be in a sustainable location.

16. The property benefits from its own independent vehicular access and has off-road parking to accommodate 2-3 cars. The Highways Authority is satisfied that should these spaces be retained there would be no adverse impact on highway safety.

17. In terms of residential amenity, the annexe has been occupied for 15 years and whilst the application proposes it to be used independently, it is not considered that this would create a greater impact on the amenities of adjacent occupants by reason of noise or disturbance.

18. The property is positioned within a proportionate sized garden for the dwelling, has sufficient parking and access and contributes to the street scene. The host dwelling (1 Bristol Road) could easily be separated from the annexe and there is no reason why it could not be occupied as an independent dwelling.

Conclusion:

19. In conclusion, the principle and detail of the development is considered to accord with relevant development plan policies and the National Planning Policy Framework and as such, is recommended for approval.

Recommendation:

It is **RECOMMENDED** that planning permission be **Approved** with the following conditions:

1. Development to commence within 3 years
2. The existing parking area should be retained as in the future
3. In accordance with the approved plans

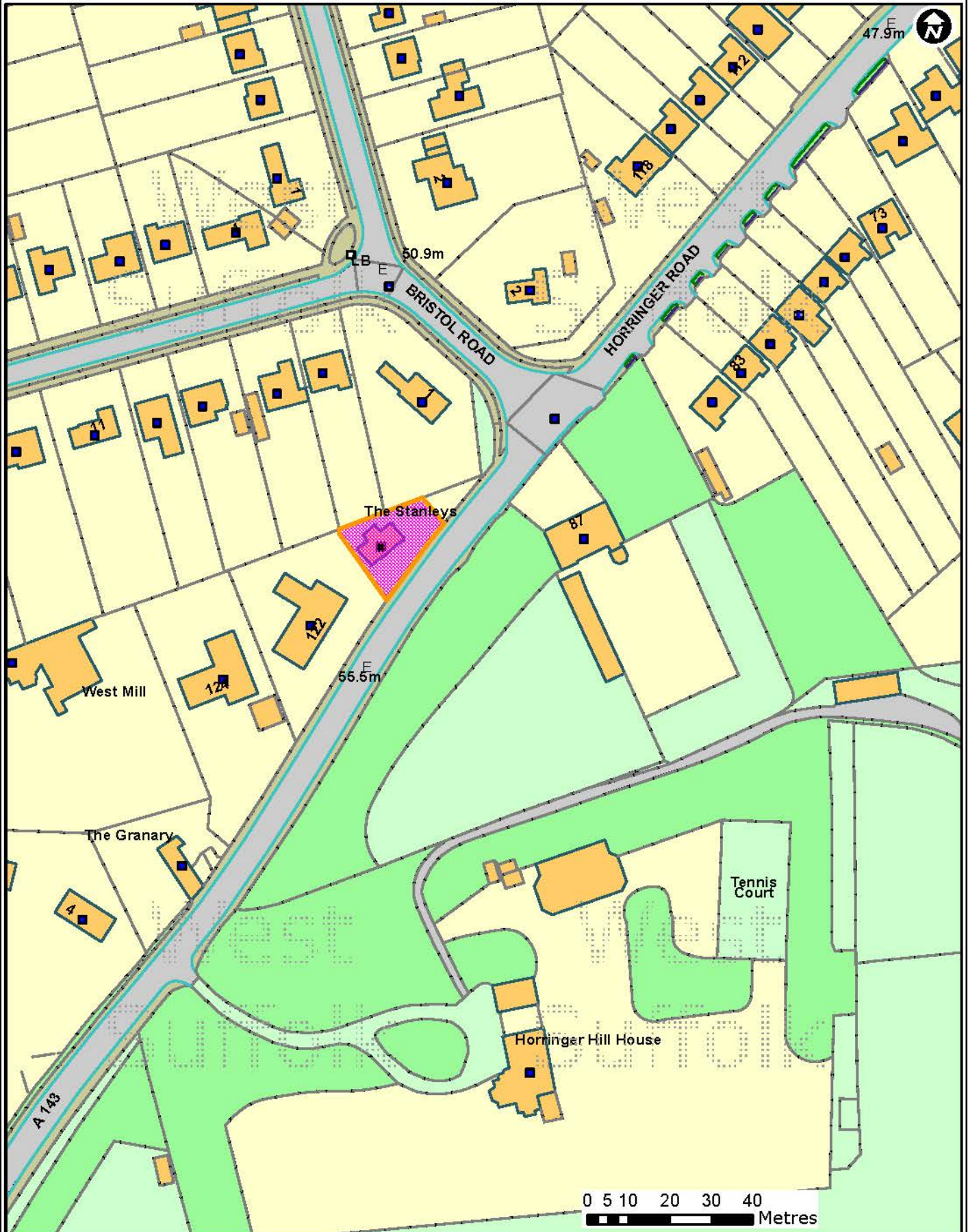
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NQE4M5PDIV900>

DC/15/1283/FUL

Annexe, 120 Horringer Road, Bury St Edmunds



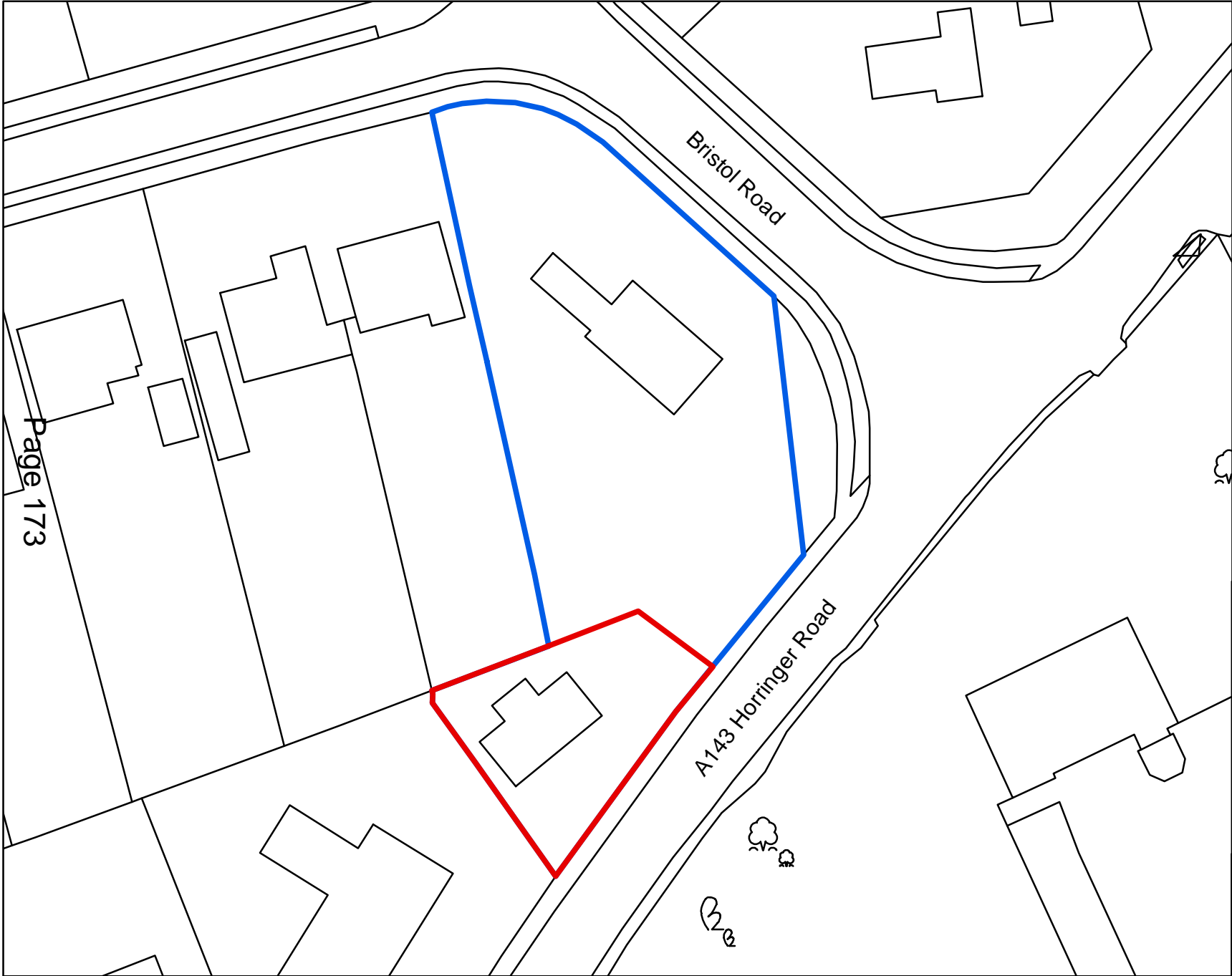
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West Suffolk
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Date: 21/07/2015

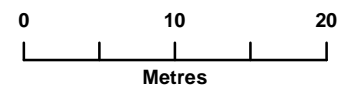
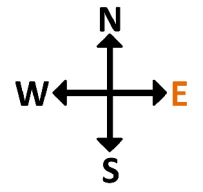
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Page 173

Key

-  Site
-  Other land in applicants control



Project: E372 Goodspeed

Drawing title: Site location plan

Drawing no: E372/SLP1

Rev. 0 Date: June 2015

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 August 2015

Planning Application DC/15/0957/TPO Works to trees the subject of Tree Preservation Order 442(2006) at Rear of 2-6 cherry Tree Close, Bury St Edmunds

Date: 1 June 2015 **Expiry Date:** 27 July 2015
Registered:

Case Officer: Jaki Fisher **Recommendation:** Approval

Parish: Bury St Edmunds **Ward:** Risbygate

Proposal: Taxus (T1-T16 on plan) - (i) Crown raise to 3 metres from ground level; and (ii) reduce crown spread by 2 metres on most extreme tree and reduce remaining tree proportionately (all house side) (All T9 on Order)

Site: The trees located on the northern boundary of Bury St Edmunds Cemetery

Applicant: Matt Vernon, St Edmundsbury Borough Council

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Email: jaki.fisher@westsuffolk.gov.uk

Telephone: 01284 757346

Background:

This application is referred to Planning Committee because the Borough Council is the applicant.

Proposal:

1. Planning permission is sought for the pruning of 16 Yew trees. The proposal is to raise the crown of the trees to 3 metres above ground level and to reduce the crown spread of the trees on the house side by up to 2 metres

Site Details:

2. The trees are located on the northern boundary of the cemetery. They are located to the south of properties located on Cherry Tree Close (Nos 2-6).

Planning History:

3. The dwellings were granted consent under Planning Permission SE/07/0460 and a number of subsequent applications which secured amendments to the design

Consultations:

4. Tree officer
The need to cut back the branches on this fine row of protected Yew trees has arisen largely as a result of the adjacent new development. The layout has failed to fully take into account the aspect and evergreen shading effects of the trees which dominate and detract from the enjoyment of the small new rear gardens.

Although the proposed pruning is fairly minimal the result will be to leave the shape unbalanced but this is unavoidable in the circumstances and should not be a reason to reduce the height or other side of the trees as well.

Representations:

5. Bury St Edmunds Town Council: No objection based on information received subject to Conservation Area and Article 4 issues

Officer Comment:

6. The issues to be considered in the determination of the application are; the amenity value of the trees and the likely impact of the proposal on the amenity of the area; and in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it.

7. In assessing the impact of the proposals the tree officer has observed that the proposals will have a beneficial impact on the private amenity of the residents of 2-6 Cherry Tree Close. From Bury St Edmunds Cemetery the works are unlikely to be noticeable so long as they are restricted as proposed.
8. There is no reason for the works stated on the application however the Councils Arboricultural Officer, who submitted the application on behalf of the Council has explained that there have been a number of complaints from residents regarding the overhanging branches. Although in normal circumstances this would not be a reason for the Council to prune the trees, on this occasion an exception has been made because the overhang into the gardens is in places severe and during inspection it was noted that neighbours have been 'hacking branches' back to limit the overhang.
9. This work is designed to sensitively prune back the trees to appease the neighbours and it is hoped will go some way in preserving the trees in the future.

Conclusion:

10. In conclusion, the proposed tree works are considered to be acceptable, justified and will result in a limited impact on the amenity of the locality.

Recommendation:

It is **RECOMMENDED** that proposed works be **Approved** subject to the following conditions:

1. 2 year time limit
2. Works to BS3998:2010 Tree works recommendations

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NNZHQGPD03H00>

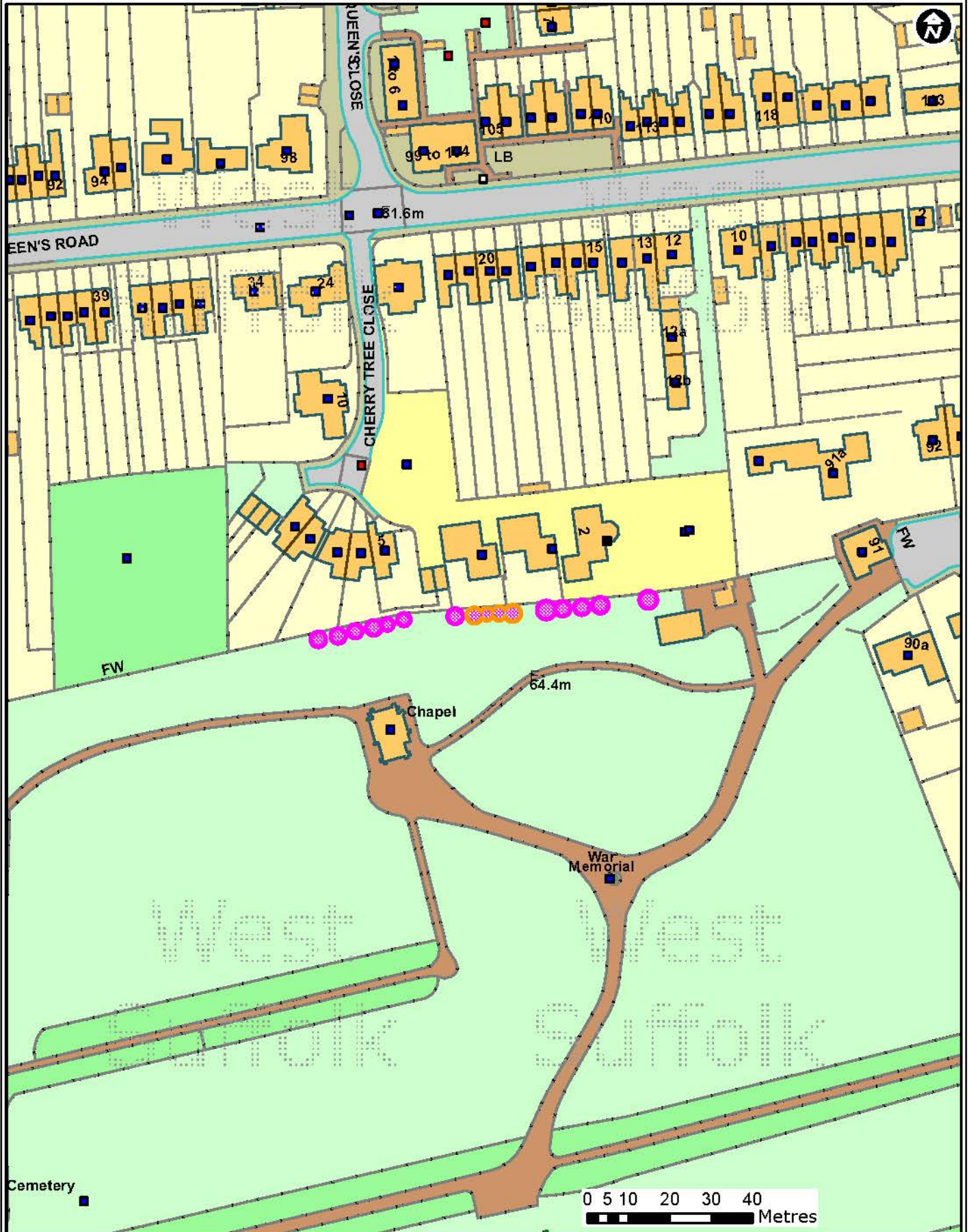
Case Officer: Jaki Fisher

Tel. No. 01284 757346

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DC/15/0957/TPO

Rear of 2-6 Cherry Tree Close, Bury St Edmunds



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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Update of Planning Enforcement Cases	
Report No:	DEV/SE/15/049	
Report to and date:	Development Control Committee	6 August 2015
Portfolio holder:	Cllr Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Andrew Smith Principal Enforcement Officer Tel: 01638 719734 Email: andrew.m.smith@westsuffolk.gov.uk	
Purpose of report:	To update members on two formal enforcement cases.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that Members note the following:</p> <p>(1) Case update on The Birches, Glassfield Road, Bardwell; and</p> <p>(2) Case update on Land North of Linden Bungalow, Station Road, Barnham</p>	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
		(a) A "key decision" means an executive decision which, with regard to any guidance from the Secretary of State, is likely:- (i) To result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or (ii) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough. (b) Pending any further guidance from the Secretary of State, a decision which results in expenditure or savings of more than £50,000 will normally be considered as a key decision. (c) Wherever practicable, a decision which has a significant impact on people living or working in a single Ward will be treated as a key decision. (d) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.	
Consultation:		<ul style="list-style-type: none"> None required for this report 	
Alternative option(s):		<ul style="list-style-type: none"> N/A 	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Information report only			

Ward(s) affected:	Bardwell
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	None
Documents attached:	None

1. Key issues and reasons for recommendation

1.1 Background

1.1.1 The purpose of this report is to give the Committee an update on two ongoing formal enforcement cases where there is a public interest.

2. Case update-The Birches, Glassfield Road, Bardwell

2.1 A further update is provided due to the complex and controversial nature of this breach. Members will recall that injunctive action was taken in respect of the unauthorised siting of caravans and works at the site over and above that which had been approved.

2.2 The injunction was granted (noting the very significant visual harm arising from the unauthorised development) which sought to rectify the breaches, including the creation of additional pitches, the siting of additional touring and static caravans, as well as the parking of a materially significant number of additional vehicles.

2.3 Various subsequent site inspections were carried out. They revealed that some aspects of the injunction had been complied with, albeit breaches of the injunction remained despite repeated requests to the site owners to comply.

2.4 On 24 July 2015, the Council took their application for committal proceedings to the High Court. During this hearing, the Council argued that a number of the requirements of the original injunction had not been complied with; 13 in total. After a lengthy debate and various legal arguments, the defendant accepted that the order remained to be complied with in full and the High Court found all 13 allegations of contempt of court to be upheld.

2.5 At the end of the hearing, the defendant agreed that she would be amicable to agreeing a set of undertakings which would need to be complied with to ensure a custodial sentence was not imposed.

2.6 On 25 July 2015 a further visit to the site was made by Officers and this visit formed the basis of the new undertakings that the defendant must now comply with her sentence (4 months imprisonment) is suspended subject to these undertakings.

2.7 A further visit is required in the first week of August 2015 to ensure the court agreed undertakings have been fully complied with. In addition significant costs were awarded to the Council

3. Case update on Land North of Linden Bungalow, Station Road, Barnham

- 3.1 Members may be aware that an Enforcement Notice was issued on the 5 August 2014 addressing breaches of planning control at this site. Amongst other things, the notice alleged the change of use of land for the siting of residential caravans and associated domestic paraphernalia.
- 3.2 The notice required the cessation of the residential use and removal of all items brought onto the land to support the use. This was appealed and subject to a public inquiry. The Planning Inspector subsequently dismissed the appeal and, subject to minor variation and corrections, determined that the appellants now have 12 months during which to comply with the notice.
- 3.3 Both parties made an application for an award in costs. This was found in favour of the Council.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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