



St Edmundsbury
BOROUGH COUNCIL

WORKING PAPER 2

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.

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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 existing 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>

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