



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/15/045

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.

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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>

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