



*St Edmundsbury*  
BOROUGH COUNCIL

## WORKING PAPER 3

# Development Control Committee 8 January 2015

## Planning Application DC/14/0474/OUT The Bull, The Street, Troston, Bury St. Edmunds, Suffolk

**Parish:** Troston Parish Council  
**Committee Date:** 4 December 2014  
**App. No:** DC/14/0474/FUL  
**Date Registered:** 17 March 2014  
**Expiry Date:** 12 May 2014

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

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

**Applicant:** Greene King

### **Synopsis:**

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

### **Recommendation:**

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

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## **Background:**

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

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

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

## **Application Details:**

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

## **Amendments:**

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

## **Site Details:**

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

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

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

#### **Application Supporting Material:**

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

#### **Planning History:**

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

#### **Consultations:**

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

##### *We Object for Two Reasons*

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

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

*Our objection has two reasons:*

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

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

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

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

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

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

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

*Action to address Reason One?*

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

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

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

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

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

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

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

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

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

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

#### *Action to address Reason Two?*

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

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

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

#### *Other issues*

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

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

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

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

#### *Conclusion*

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

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

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

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

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

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

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

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

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

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

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

*Preparation of play area £2,500*

*Levelling and seeding field including football pitch £12,000*

*Moving power cable £25,500*

*Landscaping £5,000*

*Total £80,000*

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

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

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

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

### **Representations:**

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

### **Policies:**

Development Plan

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

#### Replacement St Edmundsbury Borough Local Plan 2016

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

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

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

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

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

#### St Edmundsbury Core Strategy December 2010

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



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

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

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

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

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

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

#### Other Material Considerations

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

#### **Officer Comment:**

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

#### Principle of Development including Loss of Open Space

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

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

28. This conclusion offers considerable weight in support of the principle of this development. However, an assessment in relation to Policy L5 is also of relevance noting that this scheme proposes development at least partially on an area of designated public open space. This point must therefore be considered in conjunction with formal comments received from both Sport England and from the Council's Leisure Services Department.
29. Policy L5 summarised seeks to safeguard existing parks, amenity areas and recreational open space. Development on public, private and school playing fields will not be permitted unless any playing field(s) which would be lost as a result of the proposed development would be replaced by a playing field(s) of an equivalent or better quality and equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.
30. This goes right to the heart of the proposal. An assessment must be made as to whether or not the replacement open space proposed on the nearby site under DC/14/0470/FUL is of an equivalent or better quality and quantity, and in a suitable location. Any such space must be subject to equivalent or better management arrangements and must be provided prior to the commencement of the development that would otherwise lead to their loss.
31. Sport England has therefore considered the application in the light of its playing fields policy and this context. The aim of their policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:  
  
*"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies."*
32. The proposal relates to residential development partially on existing recreational land to the rear of the Bull PH. Sport England's exception E4 to the above policy permits development on existing playing fields and recreational open space where: *"The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to*

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

33. This policy guidance is also enshrined in Para. 74 of the National Planning Policy Framework (2012) which states that, inter alia, the loss of playing fields and recreational land should only be permitted where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
34. This position is also consistent with the provisions of Local Plan Policy L5.
35. In this instance, the existing public open space will be replaced by a larger playing field and open space on the adjoining agricultural land, with a site area of approximately 2.07 hectares, large enough to accommodate a senior football pitch and play areas (according to the indicative layout for this land under DC/14/0470/FUL).
36. The proposal clearly satisfies the quantity and location requirement for replacement provision, as Members will note through the reports presented in relation to DC/14/0470/FUL and DC/14/0507/OUT, whilst the qualitative requirement can be met through a condition imposed on application ref: DC/14/0470/FUL. It is understood that management arrangements will remain the same (i.e. through the Parish Council) therefore the only remaining policy requirement is for the replacement playing field and open space provision to be provided prior to the loss of the existing facility, which can be covered by the imposition of an appropriate planning condition.
37. This being the case, Sport England has not sought to raise an objection to this application, subject to the imposition of the following condition;

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

*Reason; To ensure that the replacement playing field is provided prior to the loss of the existing facility, in order to satisfy Sport England adopted policy, NPPF Para. 74 and Local Plan Policy L5.*
38. It should be clarified that support for this proposal is in this regard is subject to planning consent being granted and implemented for the replacement playing field provision on the nearby land (reference DC/14/0470/FUL). If, for whatever reason, that application were to be refused planning consent, then Officers would not be able to support the proposal for residential development on the current site, noting that it would, partially at least, lead to the loss of presently designated open space without effective replacement having been made.
39. This matter must also be assessed in conjunction with comments from Leisure Service and must also be considered in the context of DC/14/0470/FUL, which is due to be considered previously on this agenda. In summary, Leisure Services have no objection to the loss of the open space subject to its replacement in the form of the development to be provided under DC/14/0470/FUL. This matter is explored in greater detail within the report in relation to that application.

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

#### Design and Impact upon Character and Appearance

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

#### Impact upon Amenity

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

#### Car Parking and Highway Related Matters

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

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

S106 and other matters including trees and biodiversity

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

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

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

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

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

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

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

**Conclusion:**

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

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

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

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

**Recommendation:**

55. Grant Permission subject to the following CONDITIONS:

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

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

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

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

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

10. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation

which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with the National Planning Policy Framework (2012).

11. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with the National Planning Policy Framework (2012).
12. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form. Reason: To prevent hazards caused by flowing water or ice on the highway.
13. Occupation of either of the dwellings hereby permitted shall not commence until the area(s) within the site shown on drawing 'Highway Layout' received to planning helpdesk dated 20th May 2014 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes. Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
14. Contaminated Land Condition (15A).

**Documents:**

All background documents including application forms, drawings and other supporting

documentation relating to this application can be viewed online:

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

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

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

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

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