

Philip Isbell – Chief Planning Officer
Planning and Building Control

Babergh District Council

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015**

Correspondence Address:

Philip Cobbold
42 Beatrice Avenue
Felixstowe
IP11 9HB
United Kingdom

Applicant:

Robert Grant
C/o Phil Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe
Suffolk
IP119HB

Date Application Received: 21-Jan-23

Application Reference: DC/23/00309

Date Registered: 23-Jan-23

Proposal & Location of Development:

Full Planning Application - Erection of 1No dwelling (following demolition of barn - alternative scheme to that approved under Class Q DC/22/02672)

Modern Barn At Rose Farm, Rose Green Road, Lindsey, Suffolk IP7 6PX

Section A – Plans & Documents:

This decision refers to drawing no./entitled received 23/11/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Block Plan - Proposed 4534-10 A - Received 23/11/2023

Defined Red Line Plan - Received 23/11/2023

Elevations - Proposed 4534-13B - Received 11/04/2024

Plans - Proposed 4534-12B - Received 11/04/2024

Floor Plan - Proposed 4534-11 - Received 21/01/2023

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development

3. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (MHE Consulting Ltd, March 2023) and Wildlife Lighting Strategy (MHE Consulting Ltd, April 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

4. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window/s in the South Elevation to serve the Bedroom, Landing and Stairs shall be glazed in obscured glass as shown on Plan 13B before the development hereby permitted is first occupied/used and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 3 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

5. ACTION REQUIRED: VISIBILITY SPLAYS

Before the access is first used, clear vehicular 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) up to the junction of Kersey Road from the centre of the access (Y dimension) to the nearside edge of the metalled carriageway. 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

6. ACTION REQUIRED: VEHICLE ACCESS IMPROVEMENT

No other part of the development hereby permitted shall be commenced above slab level until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Drawing No. 10; with an entrance width of 3 metres for a distance of 5 metres measured from the nearside edge of the carriageway and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway.

7. SPECIFIC RESTRICTION ON DEVELOPMENT: GATES

Gates shall be set back a minimum distance of 5m from the edge of the carriageway and not open over the highway.

Reason - In the interests of road safety.

8. PRIOR TO DEVELOPMENT OCCUPATION: ACCESS SURFACE

Prior to first occupation, the access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5m 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.

9. PRIOR TO DEVELOPMENT OCCUPATION: PARKING AND MANOEUVRING

The use shall not commence until the area(s) within the site shown on Drawing No. 10D 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 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.

10. PRIOR TO DEVELOPMENT OCCUPATION: CYCLE STORAGE

The use shall not commence until the area(s) within the site shown on Drawing No. 10D for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel.

11. PRIOR TO DEVELOPMENT BEING OCCUPIED: EV CHARGING

Before the development is occupied, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

Note: As per Suffolk Guidance for Parking (2019), ducting and a suitable consumer unit to allow for the installation of one EV charging unit should be provided per Class C3 dwelling.

12. ACTION REQUIRED: DISCHARGE OF SURFACE WATER

The use shall not commence until the infrastructure within the site shown on Drawing No. 10a for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.

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

13. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: CONSTRUCTION MANAGEMENT PLAN

A Demolition and Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing beyond the improvement of the access on site. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

No noise from construction or demolition works shall be take place outside of the following hours: Monday to Friday: 07:30 to 18:00 Saturday: 08:00 to 13:00 or Public Holidays: None.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development.

14. PRIOR TO OCCUPATION: REFUSE STORAGE

Before the development is occupied the area shown on Plan 10a for collection/emptying of refuse and recycling bins shall be constructed in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

16. SPECIFIC RESTRICTION ON DEVELOPMENT: BURNING

No burning shall take place on site at any stage during the site clearance or construction phases.

Reason - In the interests of protecting residential amenity.

17. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- - no enlargement, improvement, insertion of new openings or other alteration of the dwelling house(s) shall be carried out, - no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

18. ACTION REQUIRED PRIOR TO SLAB LEVEL: HARD AND SOFT LANDSCAPING SCHEME.

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for the site including fence type, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction. The soft landscaping plan should

include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of new fencing in relation to existing and proposed planting.

Reason - In the interest of visual amenity and the character and appearance of the area. This condition is required to be agreed prior to the commencement of any development to ensure matters of tree and hedgerow protection are secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to important trees and hedgerow that would result in harm to amenity.

19. ONGOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - In the interests of visual amenity and the character and appearance of the area.

20. REUSE OF MATERIALS

Prior to the removal from the site of any materials from the dismantled building; details of proposed reuse of these materials either on or off the site shall be submitted to the Local Planning Authority to its satisfaction. The materials shall then be used as agreed.

Reason: In order to make good use of existing materials, in the interests of sustainable construction in line with Babergh and Mid Suffolk's Joint Local Plan Policy LP23.

21. FINISHED FLOOR LEVELS AS SHOWN

First floor finished floor levels shall be as shown on the approved drawing no. 12B, with a sill height no less than 1.7 metres above floor level.

Reason: For the avoidance of doubt as to this permission and in the interests of residential amenity.

22. BIODIVERSITY NET GAIN

Prior to commencement of development a Biodiversity Net Gain Plan demonstrating that a minimum 10% net gain in biodiversity within a 30-year period as a result of the development can be achieved shall be formally submitted to the Local Planning Authority for its written approval. The net biodiversity impact of the development shall be measured in accordance with the Statutory Biodiversity Metric

The content of the Biodiversity Net Gain Plan shall include:

- a) Proposals for on-site biodiversity net gain;
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
- c) Should on-site biodiversity net gain be unachievable, proposals for off-site biodiversity net gain provision;
- d) A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The approved Biodiversity Net Gain plan shall then be implemented and retained in full.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species) and Policy LP16 of the Babergh and Mid Suffolk Joint Local Plan.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
LP23 - Sustainable Construction and Design
SP03 - The sustainable location of new development
LP16 - Biodiversity & Geodiversity
LP24 - Design and Residential Amenity
LP29 - Safe, Sustainable and Active Transport

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/23/00309

Signed: Philip Isbell

Dated: 17th May 2024

Chief Planning Officer

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.