

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Brown & Co
The Atrium
St Georges Street
NORWICH
NR3 1AB

Applicant:

BHF Poultry Limited
Bedingfield Hall
Hall Road
Bedingfield
Eye
IP23 7LJ

Date Application Received: 30-Aug-19

Application Reference: DC/19/04108

Date Registered: 02-Dec-19

Proposal & Location of Development:

Planning Application. Erection of three poultry breeding sheds and associated development, including a new access off Hall Road, an administration block, service team block, three weigh rooms, pump room, six feed silos, a water tank and six LPG tanks

Land To The South Of Hall Road, Bedingfield, Eye, IP23 7LJ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 19.003.05A received 02/12/2019 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:

Elevations - Proposed SCOTT-201-03 - Received 30/08/2019
Block Plan - Proposed SCOTT-203-05 - Received 30/08/2019
Floor Plan - Proposed SCOTT-209-02 - Received 30/08/2019
Proposed Plans and Elevations SCOTT-TANK-01 - Received 30/08/2019
Highway Access Plan 1414 03 003 A - Received 18/03/2020
Defined Red Line Plan 19.003.05 A - Received 02/12/2019
Proposed Site Plan SCOTT-LAY-02 - Received 02/12/2019
Elevations - Proposed SCOTT-205-03 - Received 02/12/2019
Proposed Plans and Elevations SCOTT-207-03 - Received 02/12/2019
Proposed Plans and Elevations SCOTT-208-02 - Received 02/12/2019

Elevations - Proposed SCOTT-PUMP-02 - Received 02/12/2019
Flood Risk Assessment 24974 C - Received 02/12/2019
Drainage Details 24974 C - Received 02/12/2019

Section B:

Mid Suffolk 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. RENEWABLE ENERGY - ACTION REQUIRED

Prior to the commencement of development above slab level a scheme of energy performance shall be submitted to the Local Planning Authority for written approval. The scheme shall demonstrate that at least 10% of the energy needs of the development can be secured from decentralised and renewable or low carbon sources for the lifetime of the development unless it can be demonstrated to the reasonable satisfaction of the Council that it is not reasonably feasible or viable to achieve such a performance target. The development shall be carried out and completed in all respects in accordance with the approved scheme before the proposed use commences and shall thereafter be retained at all times.

Reason - In the interests of energy efficiency and sustainable development in accordance with policy CS3 of the Mid Suffolk Core Strategy 2008 and para 153 of the NPPF.

4. ACTION REQUIRED: WORKS TO BE CARRIED OUT IN ACCORDANCE WITH ECOLOGICAL ASSESSMENT

All development and ecological mitigation shall be carried out in accordance with the Ecological Assessment (received 30th August 2019).

Reason: To conserve Protected and Priority species and to enable the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife and Countryside Act 1981 and the NERC Act 2006.

5. ACTION REQUIRED PRIOR TO FIRST USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Before the development hereby permitted is first used a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following information and shall be implemented in full as may be agreed:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on the site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- Details of the body or organisation responsible for the implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body responsible for delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To enable the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife and Countryside Act 1981 and the NERC Act 2006.

6. ACTION REQUIRED: ODOUR / PEST MANAGEMENT SCHEME

Before the development hereby permitted is first used a scheme for the management of odour and pests/flies associated with the operation shall be submitted to and approved in writing by the local planning authority. The operation shall only be carried on in accordance with the scheme as may be agreed.

Reason: In the interest of the amenity of the locality.

7. RESTRICTION ON EXTERNAL LIGHTING

Any external lighting to be installed and operated within the site shall be kept to the minimum reasonably necessary for site security and safety and shall be positioned such as to prevent upward and outward light radiation.

Reason: In the interests of the amenity of the surrounding countryside.

8. ACTION REQUIRED: DETAILS OF PLANT AND NOISE ATTENUATION

Before the first operation of any plant or machinery within the site a full acoustic assessment of the plant and machinery to be used in associated with the development shall be carried out by a competent person in accordance with the current version of BS4142 and the findings and recommendations of the assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall identify the noise intrusive works necessary for the construction of the development. The recommendations of the assessment shall be implemented in full.

Reason: In order to protect the residential amenity of nearby dwellings.

9. RESTRICTION ON WORKING HOURS

Any noise intrusive construction or groundworks, as identified by the acoustic assessment required by condition 8 of this permission, shall only be undertaken between the hours of 0800 and 1800 on Mondays to Fridays and 0800 and 1300 on Saturdays. There shall be no noise intrusive construction or groundworks undertaken on the site on Sunday or public holidays.

Reason: In the interests of residential amenity.

10. RESTRICTION: NO BURNING ON-SITE

There shall be no burning of materials on site resulting from site clearance or construction. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site during site clearance and construction. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust during transit.

Reason: In the interests of residential amenity.

11. ACTION REQUIRED PRIOR TO SLAB LEVEL: 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, soft and boundary treatment landscaping works for the site, 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.

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

12. 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 - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

13. ACTION REQUIRED: ACCESS AND INTERNAL ROADWAY IMPROVEMENTS

Before any other part of the development commences the carriageway widening and passing place works shown on Drawing Number 03/003A shall be carried out, completed to base course level and be made functionally available for use in accordance with construction details which shall first have been submitted to and approved by the Local Planning Authority. The works shall be completed before the development is first used and shall thereafter be retained in the approved form.

Reason: To ensure that suitable highway improvements are provided to access the application site.

14. ACTION REQUIRED: DETAILS OF ACCESS

Before the access works are commenced, details of the access and associated works, including layout, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The access works shall be carried out and completed in all respects in accordance with the details as may be approved and shall thereafter be retained.

Reason: To ensure that roads/footways are designed and constructed to an acceptable standard.

15. ACTION REQUIRED: CONSTRUCTION MANAGEMENT PLAN

Before any works of construction commence a construction management strategy is to be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a methodology for preventing mud tracking onto the highway with a strategy for remedy of this should it occur. The approved strategy shall be adhered to until completion of the development.

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.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

- CL13 - Siting and design of agricultural buildings
- CL14 - Use of materials for agricultural buildings and structures
- T10 - Highway Considerations in Development
- H16 - Protecting existing residential amenity
- HB01 - Protection of historic buildings
- CS02 - Development in the Countryside & Countryside Villages
- CS03 - Reduce Contributions to Climate Change
- CL08 - Protecting wildlife habitats

Note

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. In this case the applicant took advantage of the Council's pre-application service prior to making the 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/19/04108

Signed: Philip Isbell

Dated: 25th March 2020

**Chief Planning Officer
Sustainable Communities**

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/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

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.