

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

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Website: www.babergh.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

KLH Architects
The Old Steelyard
Poplar Lane
Sproughton
Ipswich
IP8 3HL
United Kingdom

Applicant:

Suffolk Country Inns Ltd
69 Langham Road
Polstead Street
Boxted
CO4 5HT

Date Application Received: 23-Dec-20

Application Reference: DC/20/05890

Date Registered: 24-Dec-20

Proposal & Location of Development:

Planning Application. Change of use of dwelling C3 into guest rooms C1, including internal and external alterations and renovation. Removal of existing vehicular access and upgrade remaining site access. Reconfigure car parking and extension of terrace area to The Angel Inn.

The Stables, Polstead Street, Stoke by Nayland, Suffolk CO6 4SA

Section A – Plans & Documents:

This decision refers to drawing no./entitled 5161-0100P01 received 23/12/2020 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:

Defined Red Line Plan 5161-0100 P01 - Received 23/12/2020
Block Plan - Proposed 5161-0105 P02 - Received 23/12/2020
Site Plan 5161-0106 P01 - Received 23/12/2020
Fenestration Drawing 5161-0115 P01 - Received 23/12/2020
Fenestration Drawing 5161-0116 P01 - Received 23/12/2020
Floor Plan - Existing 5161-0300 P02 - Received 23/12/2020
Floor Plan - Proposed 5161-0301 P02 - Received 10/02/2021
Elevations - Existing 5161-0400 P01 - Received 23/12/2020
Elevations - Proposed 5161-0401 P03 - Received 10/02/2021
Design and Access Statement P01 - Received 23/12/2020

Application Form - Received 23/12/2020
Heritage Statement P02 - Received 11/02/2021
EXISTING WALL AND BOUNDARY SURVEY 5161-0107 P01 - Received 10/02/2021
Site Plan 5161-0110 P04 - Received 10/02/2021

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 A SPECIFIC TIMETABLE: DETAILS OF BRICKS

Prior to the commencement of any works above slab level, manufacturer's details of the proposed facing bricks for the walls shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed as approved.

Reason - In the interests of the character, integrity and preservation of the building

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: LIGHTING

Prior to the erection/installation of any means of external lighting at the site, a scheme of lighting to include details of the position, height, aiming points, lighting levels and a polar luminance diagram based on the vertical plane, showing isolux contour lines at 2, 1 and 0 lux shall be submitted to and approved, in writing, by the Local Planning Authority. The

lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AIR SOURCE HEAT PUMPS

Prior to the erection/installation of any Air Source Heat Pumps at the site, a manufacturer's acoustic details, as well as details of the location and orientation of the Air Source Heat Pump units shall be submitted to and approved, in writing, by the Local Planning Authority. The Air Source Heat Pump shall thereafter be implemented and retained as may be approved.

Reason - In the interest of the amenity of neighbouring residents having regard to the background noise levels in the area.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE AND ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - ACCESS

The access shall be completed in all respects in accordance with Drawing No. 5161-0110 P04 with an entrance width of 4.5m and be available for use before occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

7. ACTION REQUIRED PRIOR TO FIRST USE: HIGHWAYS - VISIBILITY

Before the access is first used, visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 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.

8. ACTION REQUIRED PRIOR TO FIRST USE: HIGHWAYS - PARKING AND MANOEUVRING

The use shall not commence until the area(s) within the site shown on Drawing No. 5161-0110 P04 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.

9. ACTION REQUIRED PRIOR TO COMMENCEMENT: HIGHWAYS - CONSTRUCTION MANAGEMENT STRATEGY

A construction management strategy is to be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site to indicate how the construction traffic, deliveries and parking for labour is to be managed. The approved strategy is to be adhered to until completion of the development.

Reason: In the interest of highway safety to avoid the hazard caused by parking and loading on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

10. ON GOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON CONSTRUCTION TIMES

The development hereby permitted shall only be constructed between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 08:00 and 14:00 on Saturday. There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these hours.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

11. SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION RESTRICTION

This permission shall only authorise the use and occupation of The Stables for purposes of letting rooms associated with The Angel Inn and does not permit the use of the accommodation as a separate household.

Reason - The Stables has lost its private amenity space, and its proximity to the terrace would be unsuitable for residents of a separate unit of accommodation because of loss of residential amenity, particularly in regards to noise.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
CR02 - AONB Landscape
EM20 - Expansion/Extension of Existing Employment Uses
TP15 - Parking Standards - New Development
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS15 - Implementing Sustainable Development
CS17 - The Rural Economy

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.

2. **Building Control Note**

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.

3. **Condition Precedent Note**

This permission / consent includes a condition precedent. Your development is potentially at risk of enforcement if you do not comply with the terms of any condition which requires you to do something before you commence development / start work. Development which is commenced in breach of a condition is normally unlawful and may not constitute a valid implementation of the permission. We strongly advise you to allow reasonable time for the preparation, and consideration of, any conditional matters before the time limit on this applications expires.

4. **Highways Note**

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's West Area Manager should be contacted at West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU. Telephone 01284 758868.

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/20/05890

Signed: Philip Isbell

Dated: 25th February 2021

**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.