

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

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:

Pomery Planning Consultants Ltd
Pappus House
Tollgate West
Stanway
Colchester
CO3 8AQ

Applicant:

Mr & Mrs Martin
Pink Cottage
Withermarsh Green
Stoke by Nayland
Colchester
Suffolk

Date Application Received: 15-Jul-20

Application Reference: DC/20/02907

Date Registered: 10-Aug-20

Proposal & Location of Development:

Full Planning Application - Erection of 1no dwelling and cart lodge (following demolition of barn)

Shelley Priory Barn, Stoke Road, Shelley, Ipswich Suffolk IP7 5RQ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 1905-P001 received 15/07/2020 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 1905-P001 - Received 15/07/2020
Existing Site Plan 1905-P100 - Received 15/07/2020
Floor Plan - Existing 1905-P101 - Received 15/07/2020
Elevations - Existing 1905-P102 - Received 15/07/2020
Proposed Site Plan 1905-P200E - Received 15/07/2020
Floor Plan - Proposed 1905-P201D - Received 15/07/2020
Floor Plan - Proposed 1905-P202E - Received 15/07/2020
Roof Plan - Proposed 1905-P203B - Received 15/07/2020
Elevations - Proposed 1905-P300D - Received 15/07/2020
Elevations - Proposed 1905-P301C - Received 15/07/2020
Sectional Drawing 1905-P302D - Received 15/07/2020
Sectional Drawing 1905-P303D - Received 15/07/2020

Floor Plan - Proposed 1905-P401A - Received 15/07/2020
Elevations - Proposed 1905-P402A - Received 10/08/2020
Landscape and Visual Impact Assessment - Received 15/07/2020
Planning Statement - Received 15/07/2020
Ecological Survey/Report - Received 10/08/2020
Land Contamination Assessment - Received 10/08/2020

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 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.

4. 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.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF EAVES AND VERGES

Before any works are commenced to the eaves and verges of the building/s, detailed large scale drawings of the eaves and verge detail of the building/s shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed entirely as approved.

Reason - In the interests of the character, integrity and preservation of the building/s. This condition is required to be agreed prior to the commencement of such works to ensure matters of historic interest are considered and approved early to avoid damage or lost. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to such assets.

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: FENESTRATION

Prior to the commencement of any works above slab level, detailed large appropriately scale drawings which shall include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, roof lights and doors and their surrounds to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

Reason - In the interests of the character, integrity and preservation of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF. (Note: The large scale drawings should be of appropriate scale to clearly show the detailing of the fenestration and you are advised to discuss these with the Local Planning Authority in advance.)

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: LOUVRED SHUTTERS

No development shall be commenced above slab level until detailed large scale drawings of the louvred shutters, at a scale of 1:5 have been submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed entirely as approved.

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

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: BOUNDARY TREATMENT

No development shall be commenced above slab level until precise details of all boundary treatments are submitted to, and agreed in writing by the Local Planning Authority. Such boundary treatments as may be agreed shall be those used in the development and fully applied prior to first occupation.

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

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SURFACE TREATMENT

No development shall be commenced above slab level until manufacturer's literature of the surface treatment have been submitted to, and agreed in writing by the Local Planning Authority. Such surface treatments as may be agreed shall be those used in the development and fully applied prior to first occupation.

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

11. 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 and to protect the character of the Area of Outstanding Natural Beauty.

12. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: ACCESS SURFACE

Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5

metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

13. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: REFUSE BINS

Before the development is commenced above slab level details of the areas to be provided for storage and presentation of Refuse/Recycling bins 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 for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

14. ONGOING REQUIREMENT FOR DEVELOPMENT: PARKING PROVISION

The use shall not commence until the area(s) within the site shown on Drawing No. P200 Rev. B 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.

15. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the updated Ecology Survey Report (MHE Consulting Ltd, December 2019) 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 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).

16. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to works above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the recommendations of the updated Ecology Survey Report (MHE Consulting Ltd, December 2019).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF 2019 and the s40 of the NERC Act 2006 (Priority habitats & species).

17. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

18. ACTION REQUIRED PRIOR TO COMMENCEMENT DEVELOPMENT: MITIGATION TO BE AGREED

No development shall be carried out until proposals for the mitigation of the impact of the development on protected Suffolk Habitats Sites have been submitted to and approved in writing by the Local Planning Authority, which shall include evidence of completion of the required legal agreement to secure the proposed mitigation. Such proposals must provide for mitigation in accordance with the joint Habitats Regulations Assessment Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), or for mitigation to at least an equivalent effect. The development shall be carried out in accordance with and subject to the proposals as may be approved.

Note:

You will need to secure the provision of appropriate visitor management measures at the Habitats Site(s) before the condition can be discharged. You can contribute to funding the Council's suite of mitigation projects and secure such provision prior to occupation through a legal agreement between the Council and Developer/Applicant and site owners.

You are advised to discuss this matter with the Local Planning Authority prior to submission of details to discharge this condition.

Reason - In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. This condition is required to be agreed prior to the commencement of any development as any construction process to ensure adequate time for any agreement to be secured and be implemented prior to occupation.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR02 - AONB Landscape
TP15 - Parking Standards - New Development
CR19 - Buildings in the Countryside - Residential
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
NPPF - National Planning Policy Framework

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. 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.

2. **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.

3. 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 Central Area Manager must be contacted on Telephone: 0345 6066171. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

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/20/02907

Signed: Philip Isbell

Dated: 2nd October 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.