

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:

Planware Ltd
The Granary
37 Walnut Tree Lane
Sudbury
CO101BD
United Kingdom

Applicant:

McDonald's Restaurants Ltd
11-59 High Road
East Finchley
London
N2 8AW

Date Application Received: 13-Jan-21

Application Reference: DC/21/00240

Date Registered: 18-Jan-21

Proposal & Location of Development:

Planning Application - Erection of restaurant building with drive-through facility, car parking, landscaping and associated works, including Customer Order Displays (COD), Play Area and Goal Post Height Restrictor.

Land At Scole Roundabout, (Junction Between A413 & A140), ,

Section A – Plans & Documents:

This decision refers to drawing no./entitled 6941-SA-8370-AL02 received 13/01/2021 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 6941-SA-8370-AL02 - Received 13/01/2021
Block Plan - Existing 6941-SA-8370-AL03 - Received 13/01/2021
Block Plan - Proposed 6941-SA-8370-P102 P6 - Received 18/01/2021
Site Plan 6941-SA-8370-P104 - Received 13/01/2021
Elevations - Proposed 6941-SA-8370-P105 - - Received 13/01/2021
Floor Plan - Proposed - and Roof Plan - 6941-SA-8370-P106 - Received 13/01/2021
Proposed Landscaping Plan 16989-VL-McD_L01 - - Received 13/01/2021
Transport Statement 3038 Technical Note (December 2020) - Received 13/01/2021
Flood Risk Assessment 013_MD4170704_CP_AD005 - Received 18/01/2021
Drainage Details 014_MD4170704_CP_AD005 - Received 13/01/2021
Construction Method Statement 016_MD4170704_CP_AD005 - Received 13/01/2021

Noise Impact Assessment R1-18.8.20-McDonalds Scole-2019808-GJK - Received 18/01/2021
Ecological Survey/Report V1 _ McDonalds DISS _ PEA Report 2020 - - Received 13/01/2021
Land Contamination Assessment JN1154 Rev1 Complete - - Received 13/01/2021
Heritage Statement - and Archaeology Report - 26971 - Received 05/02/2021

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. ON GOING 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.

4. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIED TIMESCALE: LANDSCAPE MANAGEMENT PLAN.

The use shall not commence until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan and associated work schedule for a minimum of 5 years. Both new and existing planting will be required to be included in the plan, along with surface treatments and all other landscape assets (i.e. street furniture).

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

5. ACTION REQUIRED PRIOR TO FIRST USE/OCCUPATION - HIGHWAYS: LAYOUT

Prior to first use/occupation, precise details of the access roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads/footways are constructed to an acceptable standard.

6. ACTION REQUIRED PRIOR TO COMMENCEMENT - HIGHWAYS: ROAD JUNCTIONS

The new road junctions with the A140 and A143, inclusive of cleared land within the sight splays to these junctions, must be formed prior to any other works commencing or delivery of any other materials.

Reason - To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.

7. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS TO ACCESS: HIGHWAYS - SURFACE WATER DISCHARGE PREVENTION DETAILS REQUIRED.

Prior to the commencement of any works to the access, 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 and maintained thereafter in its approved form.

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

8. ACTION REQUIRED PRIOR TO USE/OCCUPATION - HIGHWAYS: PROVISION OF PARKING.

The use/building/s shall not be occupied/commenced until the area within the site shown on Drawings listed under Section A for the purposes of loading, unloading, manoeuvring and parking (including garage spaces as applicable) of vehicles has been provided and made functionally available. Thereafter that area/s shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.

Reason - To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

9. 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 Preliminary Ecological Appraisal Report (Practical Ecology Ltd, September 2020) 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).

10. PRIOR TO BENEFICIARY USE: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Compensation and Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within Preliminary Ecological Appraisal Report (Practical Ecology Ltd, September 2020). 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 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).

11. ACTION REQUIRED PRIOR TO FIRST USE/OCCUPATION: SENSITIVE LIGHTING DESIGN SCHEME

Notwithstanding the submitted information, prior to first use/occupation, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on and surrounding the 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 so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme shall also identify areas surrounding the site that are particularly sensitive for residential amenity and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not result in significant harm to the amenities currently enjoyed by occupants of neighbouring properties. 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 - In the interest of protecting and conserving protected and Priority species and in the interest of residential amenity.

12. ACTION REQUIRED IN ACCORDANCE WITH APPROVED DETAILS - SURFACE WATER DISPOSAL STRATEGY

The strategy for the disposal of surface water (dated MD4170704/CP/014 Rev 4, ref: 17th March 2021) and the Flood Risk Assessment (FRA) (dated 8th January 2021, ref: MD4170704/CP/013 Issue 2) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason- To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

13. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIED TIMESCALE - SURFACE WATER DRAINAGE VERIFICATION REPORT

Within 28 days of practical completion of the development hereby approved, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks, in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason - To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

14. ACTION REQUIRED PRIOR TO COMMENCEMENT - CONSTRUCTION SURFACE WATER MANAGEMENT PLAN

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:- i. Temporary drainage systems ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses iii. Measures for managing any on or offsite flood risk associated with construction.

Reason - To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-developmentand-flood-risk/construction-surface-water-management-plan/>

15. ONGOING RESTRICTION OF DEVELOPMENT - DELIVERY HOURS

Delivery activity to the Restaurant development, hereby approved, shall be between hours of 6.00 and 23.00 only.

Reason - To minimise detriment to nearby residential amenity.

16. ACTION REQUIRED PRIOR TO OCCUPATION: FIRE HYDRANTS

Notwithstanding the submitted details: prior to first use of the development hereby approved, precise details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC03 - Supply Of Employment Land
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS12 - Retail Provision
GP01 - Design and layout of development
H16 - Protecting existing residential amenity
CL02 - Development within special landscape areas
E12 - General principles for location, design and layout
T06 - Petrol filling stations and other road side services
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats
Diss and District Neighbourhood Plan

NOTES:

1. **Condition Precedent Note**

This permission contains conditions that have to be discharged before the development or use commences. If you do not comply with the condition precedent you could invalidate this permission. A condition precedent cannot legally be complied with retrospectively and a new application could be required. There is normally a charge applicable per request to discharge a condition of a planning permission. The applicant/developer is therefore advised to submit relevant details for all conditions in a single request.

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

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case negotiation occurred and amendments and further information was secured which enabled the application to be supported and ultimately approved.

3. **Highways Street Lighting Note**

The existing street lighting system will be affected by this proposal.

The applicant must contact the Street Lighting Engineer of Suffolk County Council in order to agree any necessary alterations/additions to be carried out at the expense of the developer.

4. **Lead Local Flood Authority Notes**

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991;
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017;
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution;
- Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act;
- Any works to a main river may require an environmental permit.

5. **Electrical Vehicle Charging Points Note**

Mid Suffolk District Council requests that parking bays equipped with charging points for electric vehicles are considered as part of the development proposal.

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/21/00240

Signed: Philip Isbell

Dated: 6th April 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.