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Sustainable Communities

Mid Suffolk 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:

Mr Fergus Bootman
Bankside 300
Broadland Business Park
Norwich
NR7 0LB
United Kingdom

Applicant:

The Trustees Of Fressingfield Baptist Chapel.
C/o Agent
Broadland Business Park
Norwich
NR7 0LB
United Kingdom

Date Application Received: 21-Jan-21

Application Reference: DC/21/00405

Date Registered: 22-Jan-21

Proposal & Location of Development:

Application under S73a for variation or removal of a condition following approval of 3872/16 dated 04/07/2018 Town and Country Planning Act 1990. Hybrid application comprising - application for full detailed Planning Permission for the erection of a new Baptist Chapel, car parking and access and an application for Outline Planning Permission for up to 18 No residential units (revised scheme to application 0846/15) (Conditions 3 -Approved Plans and Documents, (8 -Sustainability and Energy Strategy), (12- Details of external equipment), (13- Lighting Design Strategy), (18 - Landscaping Scheme)and (19 -Landscaping Time Scales)

Land South West Of, School Lane, Fressingfield, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 18975/001 REV 0 received 31/10/2016 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:

Floor Plan - Proposed 0449-115 FF - Received 21/01/2021
Roof Plan - Proposed 0449-116 - Received 21/01/2021
Floor Plan - Proposed GA101-G.PDF-7611262 FF - Received 21/01/2021
Floor Plan - Proposed GA100-G-7611261 GF - Received 21/01/2021
Elevations - Proposed Q8474-V-02-A-7611257 AHU Unit West - Received 21/01/2021
Floor Plan - Proposed Ground Floor 0449-114 A - Received 24/02/2021
Elevations - Proposed 0449-121 H - Received 24/02/2021
Proposed Site Plan 0449-211 K - Received 24/02/2021
Defined Red Line Plan 18975/001 REV 0 - Received 31/10/2016
Plans - Proposed Lighting details. Drawinf 210112 Ext Lighting Rev B - Received 13/04/2021
Obscure Glazing Plan - Received 24/02/2021

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. THE FOLLOWING CONDITIONS Nos 2 to 18 (INCLUSIVE) APPLY TO THE FULL PERMISSION- ERECTION OF BAPTIST CHAPEL
2. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT SECTION 73 TIME LIMIT

The development hereby permitted must be begun not later than the expiration 4th July 2021.

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

3. 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.

4. ONGOING REQUIREMENT OF DEVELOPMENT OF BAPTIST CHAPEL-TREE PROTECTION MEASURES

The baptist chapel development hereby approved shall be constructed, managed and completed in full accordance with the tree protection measures detailed in the

Arboricultural Implications Assessment and Method Statement by Andrew Belson dated 23 May 2016 received 14 September 2017. No development shall therefore commence until the protection measures are installed and implemented in accordance with the approved details. The protective measures shall be retained throughout the duration of building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

Reason - For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to trees.

5. **ONGOING REQUIREMENT OF DEVELOPMENT- RETENTION OF BOUNDARY TREES AND HEDGEROW**

The baptist chapel hereby approved shall retain the existing boundary trees and hedgerow as part of the landscaping scheme. These trees shall be protected in accordance with approved protection measures which shall be agreed under condition 4 of this permission. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

Reason - For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

6. **ACTION REQUIRED PRIOR TO COMMENCEMENT- SUSTAINABILITY AND ENERGY STRATEGY**

Details as set out in the report 18038-08-DN001-ENERGY STRATEGY dated 20/1/2021 Parts 1 to 3 shall be carried out in full and thereafter retained at all times as approved unless an alternative is otherwise agreed in writing by the Local Planning Authority.

Reason - To enhance the sustainability of the development through better use of water, energy and resources.

7. **ACTION REQUIRED PRIOR TO COMMENCEMENT USE OF BAPTIST CHAPEL FACILITIES - HIGHWAYS: PROVISION OF PARKING**

The use of the baptist chapel shall not commence until the area within the site shown on Drawing No. 18975/003 rev 0 received 31/10/2016 for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and made functionally available. Thereafter that area 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.

8. ACTION REQUIRED PRIOR TO INSTALLATION OF ANY EXTERNAL EQUIPMENT

Notwithstanding details received, prior to the installation of any external equipment (such as air source heat pumps, extraction systems and ventilation systems) further details of the equipment shall be submitted to and approved in writing by the local planning authority. Any such equipment shall be implemented in accordance with the details as may be approved and thereafter retained as may be approved.

Reason- In the interests of the amenity of neighbouring residents having regard to noise levels in the area and visual amenity of the area.

9. THE BAPTIST CHAPEL- LIGHTING DESIGN STRATEGY

The lighting design strategy EXTERNAL LIGHTING 210112 REV B received 13th April 2021 is approved and all external lighting shall be installed in accordance with the specifications, timetable and locations set out in the strategy and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed except pursuant to the grant of planning permission on an application made in that regard.

Reason: To ensure appropriate lighting and ensure adequate protection of neighbour amenity, wildlife habitat and the wider appearance of the area.

10. ON GOING REQUIREMENT OF DEVELOPMENT/USE: RESTRICTION ON OPERATION TIMES

The hereby permitted development/use shall only operate between the hours of 7:00 am and 10:30 pm Mondays to Sundays. There shall be no deliveries to the development/use arranged for outside of these hours nor internal lighting in operation (unless a scheme for is otherwise agreed in writing by the Local Planning Authority for emergency lighting).

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

11. ONGOING REQUIREMENT OF DEVELOPMENT BIODIVERSITY ENHANCEMENTS

All biodiversity enhancement measures and/or works shall be carried out in accordance with the details contained in the Habitat Creation, Restoration or Enhancement section of the Construction Environmental Management Plan and Biodiversity Enhancement Method Statement, EcoCheck (Nov 2016), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason - In order to safeguard protected wildlife species and their habitats, provide acceptable compensation measures, and improve the ecological value of the site.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

Notwithstanding details provided and 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 two first floor windows shown as obscurely glazed along with the first floor window adjacent serving a stairwell shall be glazed in obscured glass before the development hereby permitted is first occupied 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.

Reason - To protect the privacy and amenities of the occupiers of neighbouring property.

13. ONGOING REQUIREMENT OF DEVELOPMENT- ECOLOGICAL MITIGATION MEASURES

All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Construction Environmental Management Plan and Biodiversity Enhancement Method Statement, Eco-Check (Nov 2016) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This includes the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) as defined in the submitted Construction Environmental Management Plan (CEMP) 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 - In order to safeguard protected wildlife species and their habitats, provide acceptable compensation measures, and improve the ecological value of the site.

14. ACTION REQUIRED PRIOR TO FIRST USE LANDSCAPING SCHEME

Prior to the first use of the hereby approved development 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 and new 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 shall be submitted to and approved, in writing, by the Local Planning Authority.

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

15. ON GOING REQUIREMENT OF DEVELOPMENT

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details (as agreed under condition 14) 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 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 5 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.

16. ACTION REQUIRED PRIOR TO THE OCCUPATION OF DEVELOPMENT- PROVISION OF FOOTWAY LINK WITH SANDCROFT WAY

Prior to the occupation of the baptist chapel hereby approved, the footway link shown on drawing 18975/003 rev 0 received 31/10/2016 under permission ref 3872/16 d, shall be constructed and made available for use. It shall thereafter be retained and remain free of obstruction to allow public access.

Reason - In the interest of sustainable development, promoting safe pedestrian activity and connecting the development with the village of Fressingfield.

17. SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE TO BAPTIST CHAPEL

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved baptist chapel shall be used solely as a chapel and ancillary uses of the coffee shop and sports hall only, and for no other purposes including any other purpose in Class D2; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification), except pursuant to planning permission in that regard.

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

18. ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - REMOVAL OF PD RIGHTS FOR BAPTIST CHAPEL CAR PARK

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates installed to the entrance to the baptist chapel car park, except pursuant to planning permission in that regard.

Reason - In the interests of road safety and maintaining accessibility to the car park.

19. THE FOLLOWING CONDITIONS Nos 20 to 42 (INCLUSIVE) APPLY TO THE OUTLINE PERMISSION ONLY- ERECTION OF UPTO 18 DWELLINGS WITH ALL MATTERS (EXCEPT ACCESS) RESERVED

20. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of permission 3872/16, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

21. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

22. LISTING OF APPROVED PLANS & DOCUMENTS- OUTLINE PERMISSION

The development hereby permitted shall be carried out in accordance with the following approved documents 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:

Defined Red Line Plan:

The defined Red Line Plan for this application is Drawing number 18975/001 rev 0 received 31/10/2016 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

Plans and Documents:

Application Form - Received 14/09/2016

Topographic Survey 18975/001 rev 0 - Received 31/10/2016

Proposed Site Plan 18975/003 rev 0 - Received 31/10/2016

Defined Red Line Plan 18975/001 rev 0 - Received 31/10/2016

Arboricultural Assessment - Received 14/09/2016

Land Contamination Assessment - Received 14/09/2016

Design and Access Statement - Received 14/09/2016

Planning Statement - Received 14/09/2016

Ecological Survey/Report - Received 14/09/2016

Newt Survey - Received 14/09/2016

Tree Inspection- Assessment of Group B in respect of its Priority Woodland Classification - Received 14/09/2016

Proposed Mitigation for loss of Priority Woodland - Received 14/09/2016
Reptile Survey - Received 14/09/2016
Bat Survey - Received 14/09/2016
Statement of Community Involvement - Received 14/09/2016
Flood Risk Assessment - Received 22/09/2016
Flood Risk Assessment Flood Risk Assessment, Surface & Foul Water Drainage Strategy-
Addendum A and drawing 18975/802 rev G- Received 05/10/2016
Supplementary Information in relation to Proposed Mitigation for Loss Priority Woodland
dated 15 November 2016. - Received 18/11/2016
Construction Environmental Management Plan And Biodiversity Enhancement Method
Statement dated November 2016 - Received 18/11/2016

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

23. **SPECIFIC RESTRICTION ON DEVELOPMENT: TREE PROTECTION MEASURES:
CONCURRENT WITH THE RESERVED MATTERS SUBMISSION**

Concurrent with the submission of the reserved matters application(s) tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction. No development shall therefore commence until the protection measures are installed and implemented in accordance with the approved details. The protective measures shall be retained throughout the duration of building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

Reason - To assess the layout of the residential development on the front boundary vegetation which is important to retain in the interests of visual amenity within the immediate and wider locality.

24. **ONGOING REQUIREMENT OF DEVELOPMENT- RETENTION OF BOUNDARY TREES
AND HEDGEROW**

The hereby approved development relating to the outline element shall retain the existing site boundary trees and hedgerow and protected during construction in accordance with details which shall be agreed under condition 33 of this permission.

Reason - For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

25. **ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT -
PRECOMMENCEMENT CONDITION TO OUTLINE PERMISSION: ARCHAEOLOGICAL
WORKS**

No development shall take place within the area of the site associated with the outline element of this permission until the implementation of a programme of archaeological

work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

26. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT :
ARCHAEOLOGICAL WORKS

No dwelling shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 35 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

27. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE
COMMENCEMENT CONDITION TO OUTLINE PERMISSION: PROVISION OF ROADS
AND FOOTPATHS

Before the residential development is commenced, details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage and a timetable for said works, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety in accordance with the timetable agreed.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

28. SPECIFIC RESTRICTION ON DEVELOPMENT- OUTLINE PERMISSION: PROVISION OF ACCESS, ROADS AND FOOTWAYS

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details.

Reason - To ensure that satisfactory access is provided for the safety of residents and the public and 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.

29. PRIOR TO OCCUPATION OF THE DWELLINGS: LIGHTING DESIGN STRATEGY

Prior to the occupation of any dwelling hereby approved, a lighting design scheme for biodiversity and neighbour amenity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are sensitive and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not cause significant harm to protected species and neighbour amenity. This scheme shall include all external lighting including street lights. All external lighting shall be installed in accordance with the specifications, timetable 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 except pursuant to the grant of planning permission on an application made in that regard

Reason: To ensure appropriate lighting and ensure adequate protection of neighbour amenity, wildlife habitat and the wider appearance of the area.

30. ACTION REQUIRED PRIOR TO COMMENCEMENT- PRE COMMENCEMENT CONDITION- SURFACE WATER DRAINAGE DETAILS

Prior to commencement of the housing development hereby permitted, permeability tests shall be completed and a detailed surface water drainage scheme shall be submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall be thereafter maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding. This is required prior to commencement of development to ensure a suitable drainage strategy is secured and any below ground works necessary to implement the drainage scheme do not conflict with construction.

31. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SURFACE WATER DRAINAGE DETAILS

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding.

32. ONGOING REQUIREMENT OF DEVELOPMENT BIODIVERSITY ENHANCEMENTS

All biodiversity enhancement measures and/or works shall be carried out in accordance with the details contained in the Habitat Creation, Restoration or Enhancement section of the Construction Environmental Management Plan and Biodiversity Enhancement Method Statement, EcoCheck (Nov 2016), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason - In order to safeguard protected wildlife species and their habitats, provide acceptable compensation measures, and improve the ecological value of the site.

33. ONGOING REQUIREMENT OF DEVELOPMENT- ECOLOGICAL MITIGATION MEASURES

All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Construction Environmental Management Plan and Biodiversity Enhancement Method Statement, Eco-Check (Nov 2016) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This includes the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) as defined in the submitted Construction Environmental Management Plan (CEMP) 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 - In order to safeguard protected wildlife species and their habitats, provide acceptable compensation measures, and improve the ecological value of the site.

34. ACTION REQUIREMENT PRIOR TO COMMENCEMENT: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN TO INCLUDE OFFSITE REPLACEMENT WOODLAND

Prior to commencement of the housing development,, a Landscape and Ecological Management Plan (LEMP) for the landscape and habitats on-site and replacement woodland offsite shall be submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP, based on Appendix 2 of the CEMP, shall include the following:

- a) Description and evaluation of the features to be managed and enhanced
- b) Aims and objectives of management
- c) Appropriate management options for achieving aims and objectives
- d) Prescriptions for management actions

- e) Preparation of a work schedule (including annual work plan capable of being rolled forward over a five year period)
- f) Details of the body or organisation responsible for implementation of the plan
- g) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out 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. The approved plan will be implemented in accordance with the approved details.

Reason- To ensure the provision, maintenance and long term management replacement of the priority woodland and habitat.

35. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT- PRE-COMMENCEMENT CONDITION TO OUTLINE PERMISSION: LANDSCAPING SCHEME

No development 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 and new 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. 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.

36. ON GOING REQUIREMENT OF DEVELOPMENT- OUTLINE PERMISSION: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details (as agreed under condition 44) 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 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 5 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.

37. ACTION REQUIRED PRIOR TO OCCUPATION OF DEVELOPMENT: PROVISION OF FIRE HYDRANTS

Prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority, setting out the provision of fire hydrants within the site. The agreed details shall be implemented and made available prior to first occupation of the development and retained thereafter in accordance with the approved details.

Reason - To ensure appropriate provision of facilities for fire and rescue services.

38. ACTION REQUIRED PRIOR TO THE OCCUPATION OF DEVELOPMENT- PROVISION OF FOOTWAY LINK WITH SANDCROFT WAY

Prior to the occupation of any dwelling hereby approved, the footway link shown on Drawing No. 18975/003 rev 0 received 31/10/2016 shall be constructed and made available for use. It shall thereafter be retained and remain free of obstruction to allow public access.

Reason - In the interest of sustainable development, promoting safe pedestrian activity and connecting the development with the village of Fressingfield.

39. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE- OUTLINE PERMISSION: 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.

40. ON GOING REQUIREMENT OF DEVELOPMENT- CONSTRUCTION WORKING HOURS

The working hours during construction shall be restricted to 0800 hrs to 1800 hrs Mondays to Fridays and 0800 hrs and 1300 hrs on Saturdays. There shall be no working hours on Sundays or Bank Holidays.

Reason: To protect the occupiers of the neighbouring and proposed residential properties suffering loss of amenity or nuisance.

41. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT- PRE COMMENCEMENT CONDITION TO OUTLINE PERMISSION: CONSTRUCTION MANAGEMENT TO BE AGREED

Prior to the commencement of development details of the construction methodology shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:-

a) The hours within which delivery/collection of materials for the said construction shall take place at the site.

- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed including temporary road signs.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloo's.

The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

42. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: REPLACEMENT WOODLAND

The replacement woodland shall be provided to accord with the DEFRA Offsetting Metrics Standards.

Reason - To ensure suitable compensation of the priority woodland lost by this development.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CL08 - Protecting wildlife habitats
 CL09 - Recognised wildlife areas
 CS01 - Settlement Hierarchy
 CS05 - Mid Suffolk's Environment
 FC01 - Presumption In Favour Of Sustainable Development
 FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
 GP01 - Design and layout of development
 H13 - Design and layout of housing development
 H15 - Development to reflect local characteristics
 HB01 - Protection of historic buildings
 H16 - Protecting existing residential amenity
 NPPF - National Planning Policy Framework
 NPPG-National Planning Policy Guidance
 RT12 - Footpaths and Bridleways
 T10 - Highway Considerations in Development
 RT01 - Sports and recreation facilities for local communities

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.

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/21/00405

Signed: Philip Isbell

Dated: 3rd September 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.