

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

Correspondence Address:

Mr E Gittins
Edward Gittins & Associates
The Counting House
High Street
Cavendish
Sudbury
CO10 8AZ

Applicant:

Granville Developments
Granville House
The Shelfords Business Park
Inworth Road
Feering
CO5 9SE

Date Application Received: 29-Jun-22

Application Reference: DC/22/03291

Date Registered: 30-Jun-22

Proposal & Location of Development:

Application under Section 73 of The Town and Country Planning Act relating to DC/21/06303 for the variation of Condition 2 (Approved Plans and Documents) to amend Plots 2 and 4

Land On The East Side Of, Clay Hall Lane, Acton, CO10 0AQ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 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:

Proposed Plans and Elevations 3588.015 A garages - Received 29/06/2022

Floor Plan - Proposed 3588.051 plot 4 - Received 29/06/2022

Proposed Plans and Elevations 3588.052 plot 4 - Received 29/06/2022

Elevations - Proposed 3588.058 walls & fences - Received 29/06/2022

Block Plan - Proposed 3588.026 G - Received 08/08/2022

Site Location Plan 3588.032 E - Received 08/08/2022

Proposed Plans and Elevations 3588.012 B plot 2 - Received 08/08/2022

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 SECTION 73A TIME LIMIT

The development hereby permitted must be begun not later than the expiration 8th February 2025.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

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

3. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
LANDSCAPING

None of the dwellings hereby permitted shall be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) planting, seeding or turfing;
- ii) boundary treatment[s];
- iii) hard surfacing materials;
- iv) an implementation programme;
- v) a scheme of management and/or maintenance.

The landscaping works shall be carried out in accordance with the approved details, in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a well designed development.

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

None of the dwellings hereby permitted shall be occupied until surface and foul water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Reason: To ensure suitable drainage for the proposed dwellings.

5. ONGOING REQUIREMENT OF DEVELOPMENT: LAND CONTAMINATION

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To protect the amenity of the occupiers of the proposed dwellings.

6. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained the Preliminary Ecological Appraisal (Skilled Ecology, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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), as updated by the Environmental Act 2021.

7. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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 prior to occupation 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 2021 and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: ACCESS LAYOUT

No part of the development hereby permitted shall be first occupied until the new access has been laid out and completed in all respects in accordance with drawing no. DM01 with an entrance width of 4.5 metres. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

9. ONGOING REQUIREMENT OF DEVELOPMENT: ACCESS GRADIENT

The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: BOUND MATERIAL

Prior to the development hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

11. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: REFUSE AND RECYCLING

Before the development is commenced above slab level, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and 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 (or) the approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway

12. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: MANOEUVRING AND PARKING

The use shall not commence until the area(s) within the site shown on Drawing No. 3588:026 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 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.

13. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SECURE CYCLE STORAGE

The use shall not commence until the area(s) within the site shown on Drawing No. 3588:026 for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2019 to promote sustainable travel.

14. ONGOING REQUIREMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT PLAN

The development hereby approved shall, at all times, be undertaken in accordance with the details contained within the Construction Method Statement reference 201110, Access Plan - 202-2021-10p1, Site Layout - 3588.026d and Charging Point Drawing - 3588.015a. It was previously considered by the Local Planning Authority and approved in reference to this development under reference DC/22/01594. Should it be necessary to undertake the development in a manner other than that approved, revised plans to address the above shall be submitted to, and approved in writing by, the Local Planning Authority with the development at all times being undertaken in with new approved details.

Reason: To protect the amenity of neighbouring properties.

15. ONGOING REQUIREMENT OF DEVELOPMENT: ARBORICULTURAL STATEMENT

The development hereby approved shall, at all times, be undertaken in accordance with the details contained within the Arboriculture Statement (Rev A) prepared by Kirsten Bowen and dated 25/03/2022. It was previously considered by the Local Planning Authority and approved in reference to this development under reference DC/22/01594. Should it be necessary to undertake the development in a manner other than that approved, a new Arboricultural Statement shall be submitted to, and approved in writing by, the Local Planning Authority with the development at all times being undertaken in with new approved details.

Reason: To protect existing trees within the site

16. ONGOING REQUIREMENT OF DEVELOPMENT: GREAT CRESTED NEWT LICENCE

The development hereby approved shall, at all times, be undertaken in accordance with the details contained within the Great Crested Newt Licence reference 2022-00254-EPS-DLL dated 24th March 2022. It was previously considered by the Local Planning Authority and approved in reference to this development under reference DC/22/01594. Should it be necessary to undertake the development in a manner other than that approved, a new

Great Crested Newt Licence shall be submitted to, and approved in writing by, the Local Planning Authority with the development at all times being undertaken in with new approved details.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

17. ONGOING REQUIREMENT OF DEVELOPMENT: CHARGING POINTS

The development hereby approved shall, at all times, be undertaken in accordance with the details contained within the Charging Point Plan reference 3588.015a and dated 24th March 2022. It was previously considered by the Local Planning Authority and approved in reference to this development under reference DC/22/01594. Should it be necessary to undertake the development in a manner other than that approved, a new charging point plan shall be submitted to, and approved in writing by, the Local Planning Authority with the development at all times being undertaken in with new approved details.

Reason: To ensure the provision of charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
CN01 - Design Standards
CS11 - Core and Hinterland Villages
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS15 - Implementing Sustainable Development
TP15 - Parking Standards - New Development

NOTES:

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

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

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/22/03291

Signed: Philip Isbell

Dated: 23rd August 2022

**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.