

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council
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OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Wilkinson Planning Ltd
Bury Lodge
Bury Road
Stowmarket
Suffolk
IP14 1JA

Applicant:

Mr J Nicholson
The Chippings
Cat House Lane
Woolverstone
IP9 1DQ

Date Application Received: 13-Jul-21

Application Reference: DC/21/03942

Date Registered: 14-Jul-21

Proposal & Location of Development:

Application for Outline Planning Permission (Access to be considered all other matters reserved) - Erection of 1no. dwelling

Land West Of The Chippings, Cat House Lane, Woolverstone, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 79421 PL01 received 13/07/2021 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:

Land Contamination Assessment Envirosearch Report - Received 13/07/2021
Land Contamination Questionnaire Land Contamination Questionnaire - Received 14/07/2021
Defined Red Line Plan 79421 PL01 - Received 13/07/2021
Ecological Survey/Report Preliminary ecological Appraisal - Received 13/07/2021
Planning Statement Planning Statement - Received 13/07/2021
Block Plan - Proposed 79421 PL02 - Received 13/07/2021

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **OUTLINE 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: 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 this permission, 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

2. 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), the means of access thereto 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.

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

Note:

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

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

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

5. ACTION REQUIRED: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to first occupation a lighting design scheme for biodiversity shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

6. ACTION REQUIRED: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to the commencement of any works above slab level, a Biodiversity Enhancement Strategy shall be submitted to and approved, in writing, by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology Ltd, June 2021).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Details 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.

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

Reason - To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7. ACTION REQUIRED: ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology Ltd, June 2021) 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 any appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during the 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).

8. ACTION REQUIRED: PARKING AND MANOEUVRING

Prior to the commencement of any works above slab level, details of the areas to be provided for the [LOADING, UNLOADING] manoeuvring and parking of vehicles including secure cycle storage and EV charging infrastructure 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 and used for no other purpose.

Reason - To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety.

9. ACTION REQUIRED: BINS

Prior to the commencement of any works above slab level, details of the areas to be provided for storage of refuse/recycling bins shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

10. ACTION REQUIRED: ACCESS

Prior to the commencement of any works above slab level, and prior to the erection of any gates or provision of visibility splays, details of the proposed access shall be submitted to and approved, in writing, by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the occupation of the property. Thereafter the access shall be retained in its approved form.

Reason - To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

11. SPECIFIC RESTRICTION ON DEVELOPMENT: BURNING

No burning of demolition or construction waste and materials shall be permitted at any time.

Reason - In the interests of protecting residential amenity.

12. ACTION REQUIRED: CONSTRUCTION METHOD STATEMENT

Prior to first clearance of the site, a Construction Method Statement shall be submitted to and approved, in writing, by the Local Planning Authority. The Construction Method Statement shall include details of the management of:

- Construction traffic and deliveries, including mitigation for mud and dirt on the highway
- Noise and vibration
- Dust
- Lighting

And any other site-specific impacts that may affect off site receptors and members of the public. The approved Construction Method Statement shall be followed unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of protecting residential amenity.

13. SPECIFIC RESTRICTION ON DEVELOPMENT: CONSTRUCTION OPERATING HOURS

No noisy machinery shall be operated during the demolition and construction phases of the hereby approved development outside the following hours:

08:00 - 18:00 Monday to Friday

08:00 - 13:00 Saturday

No works on Sundays and Public Holidays shall take place.

Reason - In the interests of protecting residential amenity.

14. ACTION REQUIRED PRIOR TO SLAB LEVEL: LANDSCAPING SCHEME

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained. All the existing trees on the site shall be retained.

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

15. 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.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CN01 - Design Standards
CR02 - AONB Landscape
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
TP15 - Parking Standards - New Development
NPPF - National Planning Policy Framework

NOTES:

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

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. 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/21/03942

Signed: Philip Isbell

Dated: 8th 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.