

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Mr Robert Stannard
Forge Cottage
Sicklesmere
Bury St Edmunds
IP30 0BU
United Kingdom

Applicant:

Mr & Mrs Colin & Zoe Lees
7 Longwood Cottage
Richardsons Lane
Chelmondiston
Suffolk
IP9 1HP

Date Application Received: 14-Feb-23

Application Reference: DC/23/00742

Date Registered: 15-Feb-23

Proposal & Location of Development:

Householder Application - Alterations to existing cart lodge to provide additional ancillary living accommodation. Erection of new cart lodge.

Longwood Cottage, 7 Richardsons Lane, Chelmondiston, Ipswich Suffolk IP9 1HP

Section A – Plans & Documents:

This decision refers to drawing no./entitled LH-1222-PL-001 Rev A Site Location Plan received 05/06/2023 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:

Application Form - Received 14/02/2023

Block Plan - Proposed LH-1222-PL-1000 - Received 14/02/2023

Floor Plan - Proposed LH-1222-PL-1010 Rev A for Cartlodge Annexe - Received 03/05/2023

Sectional Drawing LH-1222-PL-2100 Rev A for Cartlodge Annexe - Received 03/05/2023

Email of Agent supplying Notes upon Revision for Cartlodge Annexe - Received 03/05/2023

Bat Survey Prepared by: DCS Ecology Issue 1/Revision 3 dated 20/08/2022 for Cartlodge Annexe - Received 14/02/2023

Design and Access Statement & Heritage Statement by Sones Stannard Interior & Architectural Design - Received 14/02/2023

Ecological Survey/Report Preliminary prepared by: Abrehart Ecology issue 1 dated 08/07/22 for

Cartlodge - Received 14/02/2023

Land Contamination Assessment PASSED Enviroscreen Certificate by Argyll Environmental referenced as Longwood_EPO1 dated 20 June 2022 - Received 14/02/2023

CIL form - Received 14/02/2023

Land Contamination Questionnaire - Received 14/02/2023

Defined Red Line Plan LH-1222-PL-001 Rev A Site Location Plan - Received 05/06/2023

Existing Plans and Elevations LH-1222-PL-001 Rev A for Cartlodge Annexe - Received 05/06/2023

Elevations - Proposed LH-1222-PL-2000 Rev A for Cartlodge Annexe - Received 03/05/2023

Roof Plan - Proposed LH-1222-PL-2100 Rev A for Cartlodge Annexe - Received 03/05/2023

Block Plan - Existing LH-1222-PL-1000 - Received 14/02/2023

Proposed Plans and Elevations LH-1222-PL-3000 for New Cartlodge - Received 14/02/2023

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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

2. APPROVED PLANS & DOCUMENTS

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

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

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

Prior to the first occupation/use of the enlarged annexe provision within the existing outbuilding, the area within the site shown on the Proposed Block Plan referenced LH-1222-PL-1000 under Section A for the purposes of loading, unloading, manoeuvring and

parking (including garage spaces as applicable) of vehicles shall have been provided and made functionally available. Thereafter that area/s, namely the hereby approved new cartlodge 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.

4. SPECIFIC RESTRICTION ON DEVELOPMENT: ANNEXE OCCUPATION RESTRICTION

This permission shall only authorise the use and occupation of the annexe accommodation for purposes incidental and ancillary to the principal dwelling known as Longwood Cottages (formerly known as 6 and 7, Richardsons Lane); and does not permit the use of the annexe accommodation for use of a separate household.

Reason - The proposed annexe constitutes a physically separate unit of dwelling accommodation which would not be acceptable under the established policies of Local Plan and NPPF and having regard to its particular relationship with the principal dwelling and the potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

5. SPECIFIC RESTRICTION OF DEVELOPMENT : ILLUMINATION RESTRICTION

There shall be no means of new permanently fixed external illumination installed and/or operated on/at the site except pursuant to the prior grant of a planning permission on an application made in that regard.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

6. ACTION REQUIRED WITHIN THREE CALENDAR MONTHS OF DECISION: LANDSCAPE SCHEME STRATEGY

Within 3 calendar months of the date of this decision, details for landscape enhancement and any permanently fixed external lighting including existing and proposed within the residential curtilage of the dwelling known as Longwood Cottage shall be submitted to the Local Planning Authority in the form of a landscape strategy plan drawn to a suitable scale and approved, in writing, by the Local Planning Authority.

The plans and particulars submitted in accordance with the landscape scheme above shall include: -

(a) a plan to a scale of 1/500 or 1/200 showing the location of and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above and the approximate height and an assessment of the general state of health and stability,

of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree]; In this condition ""retained tree"" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above. All landscaping shall be carried fully as agreed.

Thereafter all landscaping enhancement works and any fixed external lighting installations shall be fully carried out as agreed and any approved planting as may be approved shall take place within the next planting season following the date of approval or in such phased arrangement as may be agreed. If within the planting dies, is removed, seriously damaged or seriously diseased, it shall be replaced in the next planting season with others of similar size and species.

Reason - In the interests of visual amenity and the rural character and appearance of the area, and so that landscape enhancement measures have sufficient time to establish, and to retain control of external lighting installations within the site to prevent harmful light pollution within the surrounding countryside landscape.

7. **SPECIFIC RESTRICTION ON DEVELOPMENT: TIMBER CLADDING TO BE RETAINED IN THE ORIGINAL APPROVED COLOUR**

Notwithstanding the provision of Article 3, Schedule 2 Part 2 Class C 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 external shutters and louvre screens shall be installed prior to the first occupation/use of the enlarged annexe provision within the existing outbuilding, and finished black and thereafter be retained in a manner that can function as light spillage mitigation and only be repainted/re-stained in black unless the Local Planning Authority has agreed otherwise pursuant to an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over such works in order to ensure that the essential character of the building is retained and respects a traditional Suffolk appearance and in the interests of local visual amenity to reduce the impact of night time illumination on the character of the countryside and AONB landscape and also in the interests of biodiversity.

8. **PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS: SUBMISSION OF EVIDENCE OF SITE REGISTRATION UNDER A BAT MITIGATION CLASS LICENCE FOR BATS**

Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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.

9. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to beneficial use, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority, in line with the recommendations contained in the Preliminary Ecological Appraisal (Skilled Ecology, January 2023).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (namely building mounted/integrated bat roost boxes);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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).

10. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancements measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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. SPECIFIC RESTRICTION ON WORKS: USE OF BAT FRIENDLY SPECIFIED ROOF UNDERLAY PRODUCTS ONLY

Only type 1F underfelt is to be used for the associated construction works for the new cartlodge outbuilding and alteration of the existing annexe outbuilding hereby approved.

Reason: In order to safeguard protected wildlife species and preserve their suitable habitats. Bat roosts have been confirmed to be/have been present within the existing outbuilding. Non-Bituminous Roof Membranes (N-BRMs) can be fatal to bats due to entanglement within the fibres and should therefore not be used in any confirmed bat roost in event of their return to use of the structure following completion of the approved works.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- - no enlargement, improvement, insertion of new openings or other alteration of the ancillary outbuildings shall be carried out, - no fence, gate, wall or any other means of hard boundary enclosure shall be erected within the residential curtilage of the principal dwelling know as Longwood Cottage, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in order to prevent harmful impacts from subdivision and further enlargement of the outbuildings, in the interests of the amenity and the character, integrity and preservation of the listed buildings know as Longwood Cottage.

13. PRIOR TO COMMENCEMENT: REASONABLE AVOIDANCE MEASURES METHOD STATEMENT FOR GREAT CRESTED NEWT AND REPTILES

A Reasonable Avoidance Measures method statement for Great Crested Newt and reptiles shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt and reptiles during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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).

14. PRIOR TO FIRST OCCUPATION/USE OF ENLARGED ANNEXE OUTBUILDING:
WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority prior to first use of the enlarge annexe provision. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme or in such other arrangement later agreed in writing with the Local Planning Authority. Under no circumstances should any other permanently fixed 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 2006 (Priority habitats & species).

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS15 - Implementing Sustainable Development
CN01 - Design Standards
CR02 - AONB Landscape
CN06 - Listed Buildings - Alteration/Ext/COU
CR07 - Landscaping Schemes
TP15 - Parking Standards - New Development
HS33 - Extensions to Existing Dwellings
HS35 - Residential Annexes
EN22 - Light Pollution - Outdoor Lighting
Policies of the adopted Chelmondiston Neighbourhood Plan
Emerging Joint Local Plan Policies:
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP02 - Residential Annexes
LP03 - Residential Extensions and Conversions
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP18 - Area of Outstanding Natural Beauty
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport

NOTES:

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

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. **Building Control Note**

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.

3. **Unexpected Ground Conditions**

Environmental Health at the District Councils should be contacted in the event of unexpected ground conditions / contamination being encountered during construction. The developer should be aware that the responsibility for the safe development of the site lies with them at all times.

4. **Bats**

The applicant is made aware that there is the potential for bats to be present within the site, and that it is an offence to:

-Deliberately capture, injure or kill a bat Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time).

-Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat.

-Intentionally or recklessly obstruct access to a bat roost.

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/23/00742

Signed: Philip Isbell

Dated: 5th June 2023

**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/appeal-householder-planning-decision>.

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.

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Telephone: (0300) 1234 000

www.babergh.gov.uk

Mid Suffolk District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Telephone: (0300) 1234 000

www.midsuffolk.gov.uk