

**Philip Isbell – Chief Planning Officer**  
**Sustainable Communities**

**Babergh District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)



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**PLANNING PERMISSION**

**TOWN AND COUNTRY PLANNING ACT 1990**

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

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**Correspondence Address:**

Last & Tricker Partnership  
3 Lower Brook Mews  
Lower Brook Street  
Ipswich  
Suffolk  
IP4 IRA

**Applicant:**

Mr Alan Crisp  
C/O Agent

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**Date Application Received:** 10-Jan-23

**Application Reference:** DC/23/00115

**Date Registered:** 11-Apr-23

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**Proposal & Location of Development:**

Planning Application - Erection of indoor swimming pool building.

TTV Industrial Ltd, Old London Road, Copdock And Washbrook, IP8 3JF

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 5903-1 Site Location Plan received 10/01/2023 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 10/01/2023

Design and Access Statement by Last & Tricker 5903 dated Jan 2023 - Received 08/02/2023

Photograph showing site conditions - Received 08/02/2023

Ecological Survey/Report Ecological Assessment Addendum Letter for New Pool Development by Skilled Ecology Consultancy Ltd dated 6th April 2023 - Received 11/04/2023

Preliminary Ecological Appraisal Including a Protected Species Assessment - Land Adjacent to Krendrall Cottage date February 2019 - Received 08/02/2023

Defined Red Line Plan 5903-1 Site Location Plan - Received 10/01/2023

Proposed Plans and Elevations 5903-2 Rev B New Pool Building - Received 10/01/2023

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**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 IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Skilled Ecology Ltd, April 2023) 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).

4. 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 Ecological Assessment (Skilled Ecology Ltd, April 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 (where relevant);
- 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).

#### 5. SPECIFIC RESTRICTION OF DEVELOPMENT: ILLUMINATION RESTRICTION

There shall be no means of external illumination installed and/or operated on/at the outbuilding hereby approved 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 ENHANCEMENT STRATEGY

Within three calendar months of the date of this decision, details for landscape enhancement and any permanently fixed external lighting including existing and proposed within the curtilage of the business premises known as TTV Industrial Ltd. 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 and showing details for any existing lengths of hedgerow, or other hard and soft landscaping including boundary treatment at the site;

(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 hard or soft, 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: POOL BUILDING OCCUPATION AND USE RESTRICTION

This permission shall only authorise the use and occupation of the hereby permitted building with indoor swimming pool provision by persons in the employment of/or with association to the principal business premises known as TTV Industrial Estate Ltd. and the provision is to be used only for such purposes incidental and ancillary to the core business function ; and does not permit the use of the swimming pool provision for use of a separate business entity.

Reason - The proposed pool provision constitutes a physically separate unit if not in association with the existing business premises and is new development within the countryside which would otherwise not be acceptable in the absence of appropriate justification of need under the established policies of Local Plan and NPPF.

8. SPECIFIC RESTRICTION ON DEVELOPMENT: TIMBER CLADDING AND JOINERY 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 timber cladding as well as, barge boards, soffit, fascia, window and door joinery of the building shall be first painted/stained/finished black and thereafter only be repainted/re-stained/finished 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.

9. SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

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 building containing a swimming pool; shall be used as ancillary and incidental to the core functions of the industrial business premises; use and for no other purpose including any other purpose in Class I, MA, P, and PA; 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).

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

## **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  
CS02 - Settlement Pattern Policy  
CS15 - Implementing Sustainable Development  
CS17 - The Rural Economy  
CN01 - Design Standards  
CR07 - Landscaping Schemes  
TP15 - Parking Standards - New Development  
EN22 - Light Pollution - Outdoor Lighting  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP26 - Water resources and infrastructure  
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. 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.

### **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. RIGHT OF ACCESS

You are advised that, irrespective of this Planning permission and the details of any drawings contained therein, this does not confer a legal right of access over or from any land which you do not have a right. You are advised to seek legal advice in case of doubt.

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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/23/00115

**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-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.