

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 Simon Burke
Simon Burke Design
Unit 4C The Gattinetts
Hadleigh Road
East Bergholt
Colchester
CO7 6QT

Applicant:

Ms V Howard
The Cottage School Street
Stoke By Nayland
Suffolk
CO6 4QT

Date Application Received: 06-Mar-23

Application Reference: DC/23/01100

Date Registered: 10-Mar-23

Proposal & Location of Development:

Householder Application. Minor changes to planning permission DC/21/04299 for extensions, alterations and replacement wall as per Schedule of Works.

The Cottage, School Street, Stoke By Nayland, CO6 4QT

Section A – Plans & Documents:

This decision refers to drawing no./entitled 0122. 30 Site Location Plan received 06/03/2023 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:

Elevations - Proposed 0122. 26A House Extension - Received 06/03/2023
Proposed Plans and Elevations Ground, First, Second & Roof 0122. 28A - Received 06/03/2023
Proposed Site Plan 0122. 29 - Received 06/03/2023
Defined Red Line Plan 0122. 30 Site Location Plan - Received 06/03/2023
Proposed Plans and Elevations 0122. 32 New Studio Outbuilding - Received 06/03/2023
Fenestration Drawing Replacement & New Window Details 0122. 33A - Received 06/03/2023
Sectional Drawing External Wall Junction Details 0122. 34B - Received 06/03/2023
Sectional Drawing Wall Junction & Roof Verge Details 0122. 35B - Received 06/03/2023
General Details Standard Timber Frame Repair Details SV787-10 - Received 06/03/2023
Application Form - Received 06/03/2023

Warmcote - USAGE DATA SHEET by Best of Lime - Received 10/03/2023
Limecote - USAGE DATA SHEET by Best of Lime - Received 10/03/2023
Addendum Design, Access, Heritage and Schedule of Work Statement - February 2023 by Simon Burke Design - Received 10/03/2023
Steico duo dry - Combined insulated sheathing and render board Product Data Sheet - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site Private Garden Views - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site School Street View 1 - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site School Street View 2 - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site School Street View 3 - Received 10/03/2023

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 IN ACCORDANCE WITH A SPECIFIC TIMETABLE: 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.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF DETAILS FOR THE EAVES AND VERGES

Before any works are commenced to the eaves and verges of the building/s, detailed section drawings through eaves and verge of the existing dwelling and the hereby approved extension and new outbuilding, at large scale 1:20 or as appropriate, shall be submitted and approved, in writing, by the Local Planning Authority and shall be implemented and completed entirety as approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

This condition is required to be agreed prior to the commencement of such works to ensure matters of historic interest are considered and approved early to avoid damage or lost. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to such assets.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF FENESTRATION DETAILS FOR DWELLING, EXTENSION AND OUTBUILDING

Prior to installation of any new windows and doors for the hereby approved development, detailed elevation and section drawings through all new or replacement windows,, glazed panels, and doors, at 1:10 and 1:2 respectively, and/or manufacturer's literature, to include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, as appropriate, and confirmation of joinery finish, shall be submitted to and approved in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

Reason - In the interests of the character, integrity and preservation of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF.

(Note: The large scale drawings should be of appropriate scale to clearly show the detailing of the fenestration and you are advised to discuss these with the Local Planning Authority in advance.)

6. SPECIFIC RESTRICTION ON DEVELOPMENT: RAINWATER GOODS TO BE USED

Prior to installation of rainwater goods (including gutters, downpipes, hopperheads and soil pipes) manufacturers literature of rainwater goods shall be submitted to and approved, in writing, by the LPA. . These shall be thereafter retained as installed.

Reason - In the interests of the character, integrity and preservation of the building.

7. SPECIFIC RESTRICTION ON DEVELOPMENT: AGREEMENT OF DETAILS FOR ARCHITECTURAL FLUE

Prior to the installation of the architectural metal flue, precise details to include manufacturer's literature with material, finish, colour and profile, as well as detailed large-scale elevation and section drawings of the flue to be installed shall be submitted to and approved in writing by the Local Planning Authority. The architectural flue shall be thereafter be installed and retained as agreed.

Reason - To secure an orderly and well-designed development sympathetic to the character and setting of the existing building(s) as well as in the interests of visual amenity and principles of good design in accordance with the NPPF.

(Note: The large scale drawings should be of appropriate scale to clearly show the detailing of the fenestration and you are advised to discuss these with the Local Planning Authority in advance.)

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF GATES

Prior to the installation of new gates, detailed large scale (1:5, 1:10 or 1:20 scale) drawings of the existing/proposed gates to be installed/altered including details of the proposed materials and finishes to be installed and any mechanical operation fittings, locks and hardware to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed as approved.

Reason: In the interests of the character, integrity and preservation of the listed building and in the interests of visual amenity of the conservation area and principles of good design in accordance with the NPPF.

(Note: The large scale drawings should be of appropriate scale to clearly show the detailing of the gates and you are advised to discuss these with the Local Planning Authority in advance.)

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF SAMPLE MATERIALS PANEL - BRICKWORK OF BOUNDARY WALL

Prior to commencement of re-construction works to the boundary wall above ground level and construction of the new buttresses, a sample panel of brickwork, no less than 1 metre square, including coping and details of any piers and buttresses, shall have been constructed on-site and opportunity given to inspect the brickwork has been afforded to the local planning authority. Context and detail photographs of the sample panel are to be provided to the Local Planning Authority

, and following approval of appropriate panel, works to match the approved panel. The sample brickwork must be approved in writing by the Local Planning Authority.

Note: The Local Planning Authority requires 14 days written notice of materials being provided on site. If provision on site is not possible, please contact the Local Planning Authority to organise an alternative location.

Reason - In the interests of the character, integrity and preservation of the curtilage listed wall.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
LANDSCAPING SCHEME

No development shall commence above slab level 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 hard surfacing being proposed on the site, 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, 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.

The planting as may be approved shall take place within the next planting season (October - March inclusive) following the date of approval. The enhancement measures shall be focused towards the frontage of the site facing School Street. If within the lifetime of the development the landscape enhancement 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 or in any of such manner as otherwise agreed in writing with the Local Planning Authority.

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

11. ACTION REQUIRED PRIOR TO USE - HIGHWAYS: PROVISION OF PARKING.

The use shall not commence until the area(s) within the site shown on drawing named Proposed Site Plan 0122. 29 received on the 6th of March 2023 for the purposes of manoeuvring and parking of vehicles 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 vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and manoeuvring would be detrimental to the safe use of the highway.

12. ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - REMOVAL OF PD RIGHTS GATES TO SWING INWARD OF SITE ONLY

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) the hereby approved gates be erected on site at the boundary with School Street, shall only open into the site and not over any area of the highway or pedestrian pavements.

Reason - In the interests of road safety.

13. SPECIFIC RESTRICTION ON DEVELOPMENT: SPECIFIC RESTRICTION ON DEVELOPMENT: HOURS OF CONSTRUCTION WORKS AND ANCILLARY OPERATIONS

All construction (to include demolition and site clearance) works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays.

Deliveries shall only be made during these hours.

No burning shall take place at any time during the site clearance, demolition or construction phases of the project.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development.

14. SPECIFIC RESTRICTION ON DEVELOPMENT: ADDITIONAL FLOOR RESTRICTION

No mezzanine, entresol or additional floors shall be inserted into any buildings constructed pursuant to this permission except pursuant to the grant of planning permission on an application made in that regard.

Reason - In order to secure a design in scale with development surrounding the site so as to protect the visual amenities and character of the area and to safeguard local distinctiveness

15. SPECIFIC RESTRICTION ON DEVELOPMENT: AVOIDANCE OF CUMULATIVE PERMISSIONS

This permission shall be operated only as an alternative to and not at the same time as planning permission DC/21/04299.

Reason - In order to avoid cumulative development that would be detrimental to amenity (in this case significance of heritage asset) and contrary to policy CN06.

16. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: REPAIRS TO THE LISTED BUILDING KNOWN AS THE COTTAGE

Prior to the first occupation of any rooms within the proposed extension, the repairs to the main building shall be completed in all respects in line with the approved plans and documents, and shall be retained as such. Any alterations to these details shall be submitted and agreed in writing by the local planning authority.

Reason - In the interests of the character, integrity and preservation of the listed building to ensure the continuation of its optimal viable use as a dwelling, and in the interests of securing public benefit of conserving the listed buildings significance and for continuation and enhancement of its positive visual amenity contribution having substantial street frontage within the Stoke by Nayland Conservation Area in accordance with the NPPF.

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

CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development
HS33 - Extensions to Existing Dwellings
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
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
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport
LP30 - Managing Infrastructure Provision

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. **Condition Precedent Note**

This permission / consent includes a condition precedent. Your development is potentially at risk of enforcement if you do not comply with the terms of any condition which requires you to do something before you commence development / start work. Development which is commenced in breach of a condition is normally unlawful and may not constitute a valid implementation of the permission. We strongly advise you to allow reasonable time for the preparation, and consideration of, any conditional matters before the time limit on this applications expires.

4. **Highways Note**

Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>
or:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

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/23/01100

Signed: Philip Isbell

Dated: 5th May 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

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Mid Suffolk District Council

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