

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:

Stour Valley Design
Swan Corner
Mill Lane
Bradfield
Manningtree
Essex
CO11 2UT

Applicant:

Mr Glenn And Mrs Emma Barrell
Oak Cottage
Kingsland Lane
Leavenheath
Colchester
CO6 4NG

Date Application Received: 03-Nov-22

Application Reference: DC/22/05478

Date Registered: 08-Nov-22

Proposal & Location of Development:

Planning Application. Erection of 2no holiday lodges and detached garage/cartlodge to replace existing buildings (re-submission of DC/21/06742)

Oak Cottage, Kingsland Lane, Leavenheath, CO6 4NG

Section A – Plans & Documents:

This decision refers to drawing no./entitled 68-2021-02P Location Plan received 08/11/2022 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Proposed Plans and Elevations 68-2021-03PB Lodge Outbuildings - Received 07/12/2022

Block Plan - Proposed 68-2021-01PB Site Plan - Received 07/12/2022

Application Form - Received 03/11/2022

Block Plan - Existing 68-2021-01PB Site Plan - Received 07/12/2022

Land Contamination Assessment RiskView Residential Landmark Information 290689953 - Received 03/11/2022

Land Contamination Questionnaire - Received 03/11/2022

Design and Access Statement For Proposed Holiday Lodges & Detached Garage (Replacement Buildings) - Received 03/11/2022

Ecological Survey/Report Preliminary Ecological Assessment by Liz Lord Ecology 1771 Rev A August 2022 - Received 03/11/2022

Ecological Survey/Report Ecological Survey & Assessment by Essex Mammal Surveys for Oak Cottage May 2022 - Received 03/11/2022
Arboricultural Impact Assessment & Method Statements by Tree Planning Solutions TPSarb6530522 Issue 1 - Received 03/11/2022
Tree Planning Solutions Report Appendix 1 - 6 - Received 03/11/2022
Existing Plans and Elevations 68-2021-02P Garage Outbuilding - Received 03/11/2022
Proposed Plans and Elevations 68-2021-04PA Garage Outbuilding - Received 03/11/2022
Design & Access Statement Appendix Photos & Visitor Info - Received 03/11/2022
Defined Red Line Plan 68-2021-02P Location Plan - Received 08/11/2022

Section B:

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

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT 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. ONGOING REQUIREMENT FOR DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS TO SERVICE LODGES AND DWELLING

The areas to be provided for the day-to-day storage need of refuse and recycling bins will be restricted within the area extent specified as residential curtilage to serve both dwelling and lodges, and the as-scheduled presentation for collection/emptying of refuse and recycling bins will be restricted to the area adjacent to the site access as shown on the drawings referenced as 68-2021-01 PB and 68-20210-03 PB. The refuse and recycling bins storage and collection areas to serve the lodges shall be provided in their entirety before the development is brought into first use, and shall be retained and utilised ongoing

thereafter for no other purpose for the lifetime of the development. 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 the development in the interests of the visual amenity of the locality and the enjoyment of the countryside and ancient woodland. As well as to ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

4. SPECIFIC RESTRICTION ON DEVELOPMENT: 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 cladding and joinery of the building shall be first finished sprayed/painted/stained black and thereafter only be re-sprayed/re-painted/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 lodges will respect a traditional Suffolk appearance appropriate to their setting within the countryside and ancient woodland.

5. 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 lodges and garage outbuildings shall be carried out, - no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected within the residential curtilage associated to the dwelling known as Oak Cottage, except pursuant to the grant of planning permission on an application made in that regard.

Reason - In order to avoid overdevelopment on the residential curtilage of Oak Cottage and to enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness to ensure that the essential character of the lodges will respect a traditional Suffolk appearance appropriate to their setting within the countryside and ancient woodland.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF ILLUMINATION

Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved and shall only be permanently operated as part-night lighting between the times of 05:00 and 00:00;

daily or otherwise temporary operated for a limited time by PIR switch activation. There shall be no other means of external lighting installed and/or operated on/at the site.

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.

7. ACTION REQUIRED PRIOR TO FIRST USE OF GARAGE - HIGHWAYS: AGREEMENT OF DETAILS AND PROVISION OF ELECTRIC VEHICLE CHARGING POINTS

Prior to works above slab level for the hereby approved garage outbuilding, details of the infrastructure to be provided for electric vehicle charging points 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 garage is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies.

8. ACTION REQUIRED PRIOR TO SLAB LEVEL: RESTRICTION ON LAYING OF SERVICE PIPES, CABLES ETC

There shall be no laying of pipes, conduits, wires, drains or other underground services within the site save as may be approved in writing by the Local Planning Authority prior to the development exceeding slab level. Such pipes, conduits, wires, drains or other underground services shall be laid and implemented strictly in accordance with the agreed details. Full details of the position of all services (including drains, cables, pipes, or similar services) and their means of installation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all services shall be installed and retained in such approved positions, unless the Local Planning Authority agrees to any variation or further provision, in writing

Reason - To minimise disturbance to and help to ensure the satisfactory retention of the tree(s) and to ensure service route do not affect protected tree route systems and in the interest of safeguarding the setting of the ancient woodland.

9. ACTION REQUIRED PRIOR TO OCCUPATION - HIGHWAYS: PROVISION OF CYCLE STORAGE TO SERVE LODGES

The lodges shall not be occupied until the area(s) within the site shown on the drawing referenced as 68-2021-01 PB, namely the garage outbuilding for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

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

10. ACTION REQUIRED PRIOR TO OCCUPATION - HIGHWAYS: PROVISION OF PARKING TO SERVE LODGES.

The lodges shall not be occupied until the area(s) within the site area extent shown on the drawing referenced as 68-2021-01 PB, 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, and in the interest of safeguarding the ancient woodland.

11. ACTION REQUIRED PRIOR TO OCCUPATION: LANDSCAPING SCHEME DETAILS OF HARD AND SOFT SURFACING

Prior to the occupation of the lodges hereby permitted details must be submitted to and approved in the form of a site plan scale 1:500 or 1:200, in writing, by the Local Planning Authority of a Landscape Strategy for the site.

Which shall include precise details of any proposed hard and soft and boundary treatments, as well as areas of hard and soft surface treatments, proposed landscaping works within the site area extent including the length of driveway access up to the highway, and any proposed changes in ground levels.

As well as also accurately identify the spread, girth and species mix of all proposed trees, shrubs and hedgerows within the site, and indicate any that are existing to be retained or those that are existing at felling distance with allocation of a reference number if the stem diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm.

Furthermore, the Landscape Strategy shall include precise details for the proposed new hedgerow to the rear of the lodges by way of a suitable mix of native species planting to a depth of no less than 3.0 metres and for distance at least 27.0 metres in length to act as a biodiversity belt.

All landscaping shall be carried out fully as agreed and prior to first occupation of the hereby approved lodges.

Reason - To ensure sufficient details are submitted to allow the Local Planning Authority to assess the submitted Landscape Scheme in the interests of visual amenity and the character and appearance of the area and delivery of net biodiversity gains onsite having regard to the NPPF. As well as in the interest of their setting within the ancient woodland.

12. ONGOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing agreed by condition 13 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 5 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.

13. SPECIFIC RESTRICTION OF DEVELOPMENT: MINIMISATION OF GROUND COMPACTION

Hard surfacing beneath the canopy and/or within the root area of any retained tree shall be designed to minimise ground compaction in accordance with the recommendations set out in the British Standards Institute publication ""BS 5837:2012 Trees in relation to design, demolition and construction"". (Such areas may require the use of geo-textile membranes coupled with no excavation and minimal alterations in ground level). In particular for the driveway from the highway.

Reason - To minimise disturbance to and help to ensure the satisfactory retention of the tree(s) and in the interests of the setting of the ancient woodland.

14. ONGOING REQUIREMENT OF DEVELOPMENT: TIME RESTRICTION ON HOLIDAY DWELLING

The lodge units hereby approved shall not be occupied other than for holiday purposes, or alternate use and occupation of the accommodation for purposes incidental and ancillary to the principal dwelling known as Oak Cottage, and shall not be used as a residential dwelling for a separate household, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a units for holiday purposes in the interests of contributing to tourism and the rural economy of the area.

15. SPECIFIC RESTRICTION OF DEVELOPMENT: NO BURNING RESTRICTION

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

Reason: to minimise detriment to residential amenity and in the interests of safeguarding the ancient woodland and the enjoyment of the countryside for users of the nearby PROW footpath.

16. ONGOING REQUIREMENT OF DEVELOPMENT: RESTRICTED CONSTRUCTION HOURS

Operations related to the construction (including site clearance and demolition phases) of the permitted development shall only operate between the hours of 08.00 and 18.00hrs Mondays to Fridays and between the hours of 09.00 and 13.00hrs on Saturday.

There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development site arranged for outside of these approved hours.

Reason: to minimise detriment to nearby residential amenity and in the interests of enjoyment of the countryside for users of the nearby PROW footpath.

17. ACTION REQUIRED PRIOR TO WORKS ABOVE SLAB LEVEL: DETAILS OF AIR SOURCE HEAT PUMP PLANT AND ACOUSTIC ASSESSMENT

Prior to works above slab level, the applicant shall provide full details of all Air Source heat pump plant associated with the proposed development. A full acoustic assessment relating to the air source heat pump noise from the site shall be undertaken in accordance with "MCS 020 - MCS Planning Standards for permitted development installations of wind turbines and air source heat pumps on domestic premises". This assessment shall be carried out by a competent person and confirmation of the findings of the assessment and any recommendations shall have been submitted to the Local Planning Authority and agreed prior to the commencement of the development.

Reason: to minimise detriment to residential amenity and in the interests of safeguarding the ancient woodland and the enjoyment of the countryside for users of the nearby PROW footpath.

18. 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 Preliminary Ecological Assessment (Liz Lord Ecology Ltd, August 2022) 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).

19. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

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

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

20. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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.

21. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT FOLLOWING CLEARANCE OF EXISTING OUTBUILDINGS: CONSTRUCTION MANAGEMENT TO BE AGREED

No further development shall be commenced following clearance of the existing outbuildings at the site until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of means of access and routes for construction/delivery vehicles, on-site vehicle parking and manoeuvring areas, location of on-site storage compounds and storage areas during the construction phases of the development. Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the lodges and garage development hereby approved, unless the Local Planning Authority agrees in writing to a variation of the approved management plan.

Reason: In order to safeguard and enhance the ecology of the Ancient Woodland County Wildlife Site, in accordance with policy CS15 of the Babergh Core Strategy for delivery of sustainable development within the Babergh District, and the NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CR02 - AONB Landscape
CS11 - Core and Hinterland Villages
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
CR04 - Special Landscape Areas
CR07 - Landscaping Schemes
CR08 - Hedgerows
TP15 - Parking Standards - New Development
EN22 - Light Pollution - Outdoor Lighting

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. **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**

A public right of way cannot be lawfully driven along without due authority. This highway must remain unobstructed at all times. It is an offence to disturb the surface of the highway so as to render it inconvenient for public use. Therefore it is imperative that the surface is properly maintained for lawful use during the construction phase and beyond. The Highway Authority will seek to recover the cost of any such damage which it actions for repair.

5. 1. PROW MUST remain open, unobstructed, and safe for the public to use at all times, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed (please see points 4 and 5 below).

2. PROW are divided into the following classifications:

-Public Footpath -only for use on foot or with a mobility vehicle.

-Public Bridleway - use as per a public footpath, and on horseback or by bicycle

-Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage

-Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

3. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

4. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface, or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

-To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roadsand-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. PLEASE NOTE, that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

-To apply for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rightsof-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

5. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-insuffolk/public-rights-of-way-contacts/> PLEASE NOTE, that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

6. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior

approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

7. Any hedges adjacent to PROW must be planted a minimum of 2.0 metres from the edge of the path in order to allow for annual growth. The landowner is responsible for the maintenance of the hedge and hedges must not obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metre from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.

8. There may be a further requirement to enhance the PROW network relating to this development. If this is the case, a separate response will contain any further information.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/.

6. The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities-

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.

Water Supplies-

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 411M from the proposed build site and we therefore recommend Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please contact the service for sprinkler information). Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control or appoint Approved Inspector in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

7. 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.

8. GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;

b) Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;

c) Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and

d) Should any protected species (i.e. bats) or evidence of protected species be found prior to or during the development, all works must stop immediately and a suitably qualified ecologist should be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/22/05478

Signed: Philip Isbell

Dated: 6th January 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.