

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:

Lucy Carpenter Planning Consultant Ltd
The Manse
27 Bear Street
Nayland
Colchester
CO6 4HX

Applicant:

AURIEL HOMES LTD
C/O Agent

Date Application Received: 11-Apr-22

Application Reference: DC/22/01930

Date Registered: 06-May-22

Proposal & Location of Development:

Full Planning Application - Erection of 1no. dwelling and cart lodge (following demolition of existing buildings associated with builders' yard). Alterations to existing access

The Builders Yard , Land Rear Of Brook Cottage And Blacksmiths House, The Street, Ipswich Lower Layham IP7 5LZ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2021-445-002 received 11/04/2022 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:

Defined Red Line Plan 2021-445-002 - Received 11/04/2022
Cycle Storage Plan CY-01 - Received 31/05/2022
Proposed Site Plan 2021-445-003 B - Received 01/07/2022
Proposed Plans and Elevations 2021-445-010 C - Received 01/07/2022
Proposed Elevations and Sections 2021-445-011 B - Received 01/07/2022
Preliminary Ecological Appraisal - Received 11/04/2022
Application Form - Received 11/04/2022
Existing Site Plan 2021-445-002 - Received 11/04/2022
Planning Statement - Received 11/04/2022
Flood Risk Assessment - Received 27/04/2022
Phase 1 Desk Study and Preliminary Risk Assessment - Received 06/05/2022

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 OF DEVELOPMENT: CONSTRUCTION AND DEMOLITION TIMES

No noise from construction or demolition works shall be take place outside of the following hours:

Monday to Friday: 08:00 to 18:00

Saturday: 08:00 to 13:00

or Public Holidays: NONE

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
CONSTRUCTION METHOD STATEMENT

Prior to the commencement of works to demolish the buildings on the site, a Construction Method Statement (CMS) shall be submitted in writing for approval.

The CMS shall include details of the management of

- o Construction traffic and Deliveries, including mitigation for mud and dirt on the highway
- o A strategy to remedy the impact of mud and dirt on the highway should it occur

- o Noise and Vibration
- o Dust
- o Lighting
- o Parking Arrangements for contractor vehicles

And any other site specific impacts that may affect off site receptors and members of the public. The agreed CMS shall be followed unless otherwise agreed in writing with the local planning authority.

5. ONGOING REQUIREMENT OF DEVELOPMENT: BURNING OF MATERIALS

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

Reason: In the interests of residential amenity.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: LAND CONTAMINATION

The site shall not be cleared or the demolition of any buildings take place until:

1. A strategy for investigating any contamination present on site (including ground gases, where appropriate) has been submitted for approval by the Local Planning Authority.

2. Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.

3. A written report shall be submitted detailing the findings of the investigation referred to in (2) above, and an assessment of the risk posed to receptors by the contamination (including ground gases, where appropriate) for approval by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme as required.

4. Any remediation work shall be carried out in accordance with the approved Remediation Scheme.

5. Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: ACCESS LAYOUT

No existing buildings on the site shall be removed until the existing vehicular access has been improved, laid out and completed in all respects in accordance with drawing no. 2021-445-003-B and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway.

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: BOUND MATERIAL

Prior to the development hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material as per drawing number 2021-445-003-B

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: VISIBILITY SPLAYS

Before the access is first used visibility splays shall be provided as shown on Drawing No. 2021-445-003-B with an X dimension of 2 metres and a Y dimension of 23.6/22.4 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

10. ONGOING REQUIREMENT OF DEVELOPMENT: REFUSE AND RECYCLING BINS

The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No.2021-445-003-B shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: 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 and in accordance with Suffolk Guidance for Parking 2019

11. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: MANOEUVRING AND PARKING

The use shall not commence until the area(s) within the site shown on drawing no.2021-445-003-B for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have 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 or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

12. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: CYCLE STORAGE

Before the development is first occupied details of the areas to be provided for the secure, covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking 2019

13. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: EV CHARGING

Before the development is first occupied the technical details of proposed EV charging in Drawing No.2021-445-003-B shall be submitted to and approved by the Highway Authority.

Reason: To ensure compliance with Suffolk Guidance for Parking 2019.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework

CN01 - Design Standards

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CR19 - Buildings in the Countryside - Residential

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS15 - Implementing Sustainable Development

TP15 - Parking Standards - New Development

EM24 - Retention of Existing Employment Sites

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. There is a suspicion that the site may be contaminated or affected by ground gases. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Unless agreed with the Local Planning Authority, you must not carry out any development work (including demolition or site preparation) until the requirements of the condition have been met, or without the prior approval of the Local Planning Authority.

The developer shall ensure that any reports relating to site investigations and subsequent remediation strategies shall be forwarded for comment to the following bodies:

- Local Planning Authority
- Environmental Services
- Building Inspector
- Environment Agency

Any site investigations and remediation strategies in respect of site contamination (including ground gases, where appropriate) shall be carried out in accordance with current approved standards and codes of practice. The applicant/developer is advised, in connection with the above condition(s) requiring the submission of a strategy to establish the presence of land contaminants and any necessary investigation and remediation measures, to contact the Council's Environmental Protection Team.

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/22/01930

Signed: Philip Isbell

Dated: 4th August 2022

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.