

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Locus Planning Ltd
11 Charing Cross
Norwich
NR2 4AX

Applicant:

HLD Developments Ltd
Old Hall Green Farm Barn
Old Hall Lane
Cockfield
Bury St. Edmunds
Suffolk
IP30 0LQ

Date Application Received: 15-Sep-23

Application Reference: DC/23/04344

Date Registered: 16-Sep-23

Proposal & Location of Development:

Full Planning Application - Erection of 2no. dwellings and garaging with bat house including alterations to vehicular accesses (following demolition of existing building).

The Pine House Company, Ixworth Road, Stowlangtoft, Bury St Edmunds Suffolk IP31 3JS

Section A – Plans & Documents:

This decision refers to drawing no./entitled Location Plan 4036 SL01 received 15/09/2023 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:

Proposed Site Layout Plan 4036 SL01 Rev A - Received 12/10/2023
Proposed Plans and Elevations 4036 G02 - Received 15/09/2023
Proposed Plans and Elevations 4036 PL01 - Received 15/09/2023
Defined Red Line Plan Location Plan 4036 SL01 - Received 15/09/2023

Section B:

Mid Suffolk 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 PRIOR TO OCCUPATION: AGREEMENT OF BOUNDARY TREATMENT

The dwelling(s) hereby approved shall not be occupied until details of the provision, siting, design and materials of screen walls, fences and hedges have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls, fences and hedges shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

5. ACTION REQUIRED PRIOR TO COMMENCEMENT: LAND REMEDIATION STRATEGY

No development shall 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.
4. Subject to the findings of the risk assessment to in (3), an options appraisal should be produced and a confirmed Remediation Scheme shall be submitted for approval.
5. Any remediation work shall be carried out in accordance with the approved Remediation Scheme.
6. 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.

6. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and compensation measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Riverdale Ecology, September 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

7. ACTION REQUIRED PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS

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

- a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

- b. evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c. a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

8. ACTION REQUIRED PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

Prior to works above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey Report (Riverdale Ecology, September 2023) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

9. ACTION REQUIRED PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to the first occupation of the dwellings hereby approved, a lighting design scheme for biodiversity as recommended in the Bat Survey Report (Riverdale Ecology, September 2023) 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 (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

10. ACTION REQUIRED PRIOR TO RESIDENTIAL USE OF ACCESSES: VISIBILITY SPLAYS

Before the accesses serving the dwellings hereby approved are first used for residential purposes, clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge

of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access points (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the accesses (Y dimension) to the nearside edge of the metalled carriageway.

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.

11. ACTION REQUIRED PRIOR TO RESIDENTIAL USE OF ACCESSES: PEDESTRIAN VISIBILITY SPLAYS

Before the accesses serving the dwellings hereby approved are first used for residential purposes, pedestrian visibility splays shall be provided within 2 metre by 2 metre triangular areas on both sides of each access, in accordance with Suffolk County Council's standard access drawing DM03. 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.

The visibility splays shall thereafter be retained.

Reason: For the safety of people using the highway by enabling drivers of vehicles entering the highway to see and give way to pedestrians and for pedestrians to have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

12. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: ACCESS TO BE PROVIDED FIRST

No other part of the development hereby permitted shall be commenced until the existing vehicular accesses have been improved, laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM03; and with entrance widths of 3 metres for a distance of 5 metres measured from the nearside edge of the carriageway and made available for use.

Thereafter the accesses shall be retained in their specified form.

Reason: To ensure that the layout of the existing accesses are 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. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

13. COMPLIANCE REQUIRED: ACCESS GRADIENT OVER FIRST 5 METRES

The gradient of the vehicular accesses shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

14. COMPLIANCE REQUIRED: DRIVEWAY GRADIENT

The gradient of the access driveways shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

15. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: BOUND SURFACE MATERIAL TO ACCESSES

Prior to the development hereby permitted being first occupied, the vehicular accesses onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

16. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: FOOTWAY PROVISION

Before the development is first occupied, the footway fronting the site shall be reconstructed in accordance with details that previously shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in its approved form.

Reason: For pedestrian amenity and to provide a safe, and attractive public realm capable of being used by all at an appropriate time.

17. ACTION REQUIRED PRIOR TO OCCUPATION: PARKING PROVISIONS TO BE PROVIDED AS SHOWN

The residential use of the dwellings hereby approved shall not commence until the area(s) within the site shown in Drawing No. SL01 Rev. A for the purposes of manoeuvring and parking of vehicles has been provided, and thereafter, that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and

manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

18. ACTION REQUIRED PRIOR TO WORKS ABOVE SLAB LEVEL: DETAILS OF EVCP AND CYCLE STORAGE TO BE AGREED

Before works above slab level on the dwellings hereby approved: details of secure, lit and covered cycle storage; and electric vehicle charging infrastructure 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 ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

19. ACTION REQUIRED PRIOR TO COMMENCEMENT: SURFACE WATER DRAINAGE TO ACCESS

Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water.

The approved scheme shall be carried out in its entirety before the vehicular accesses are first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

20. ACTION REQUIRED PRIOR TO WORKS ABOVE SLAB LEVEL: DETAILS OF REFUSE AND RECYCLING BINS TO BE AGREED

Before the development is progressed above slab level, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins 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 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 accesses to avoid causing obstruction and dangers for the public using the highway.

21. ACTION REQUIRED PRIOR TO COMMENCEMENT: NOISE INSULATION SCHEME TO BE APPROVED

The residential accommodation hereby approved shall be constructed so as to provide sound insulation against external noise levels to achieve internal noise levels not

exceeding 30 dB LAeq (night) and 45 dB LAmax (measured with F time weighting) for bedrooms, and 35 dB LAeq (day) for other habitable rooms, with other means of ventilation provided if windows are required to be shut to meet these levels.

Construction of the residential premises shall not commence until such a scheme demonstrating the achievement of these standards including details of proposed the glazing and any alternative ventilation as may be required has been submitted to the Local Planning Authority and approved in writing. Noise levels in external amenity (garden) areas shall be required to meet the World Health Organisation recommendations daytime and night-time periods and that they do not exceed 55 dB LAeq,T The scheme shall take account of each property's location (and thus predicted exposure to likely traffic noise) when making this assessment
Reason: to protect the future occupiers of noise sensitive dwellings from adverse impacts of road traffic noise.

22. ACTION REQUIRED PRIOR TO OCCUPATION: CONFIRMATION OF NOISE INSULATION

Prior to the occupation of any dwelling that is the subject of this approval the developer shall have first submitted a 'Post-Completion Noise Inspection to the lpa for approval. No dwelling shall be occupied until such tests have been undertaken, the result submitted in writing to and formally agreed by the Local Planning Authority.

The Post-Completion Noise Inspections shall comprise

- 1) Results to demonstrate that measured noise levels in external amenity (garden) areas to meet the World Health Organisation recommendations daytime and night-time periods and that they do not exceed 55 dB LAeq,T.
- 2) Evidenced results to demonstrate that internal noise levels or daytime and nighttime meet the requirements of British Standard 8233

In the event that the submitted information fails to satisfy the Local Planning Authority that the predicted noise reduction levels have been achieved on either of the properties, then the restriction on any occupation/s continues to apply until such time as the developer has been able to agree and install additional mitigation measures that has first been agreed in writing with the Local Planning Authority.

In the event that the information submitted to the Local Planning Authority in respect of the post completion noise tests is satisfactory and has been agreed in writing then the restriction on any occupations is lifted.

Reason: The Council requires to ensure that the occupiers of this new development are not subjected to unacceptable road noise intrusion in the interest of safeguarding residential amenity and public health

23. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION MANAGEMENT PLAN TO BE AGREED

No development shall commence 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:

- 1) Operating hours (to include hours for delivery)

- 2) Details of the scheduled timing/phasing of the development for the overall construction period
- 3) Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors) protection measures for footpaths surrounding the site
- 4) Loading and unloading of plant and materials
- 5) Wheel washing facilities
- 6) Lighting
- 7) Location and nature of compounds, portable WCs and storage areas (including maximum storage heights) and factors to prevent wind-whipping of loose materials
- 8) Waste storage and removal
- 9) Temporary buildings and boundary treatments
- 10) Dust management measures
- 11) Method of any demolition to take place, including the recycling and disposal of materials arising from demolition.
- 12) Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling) and;
- 13) Litter and waste management during the construction phases of the development.
- 14) Measures to minimise the impact on air quality, for example the use of the cleanest construction equipment available, the use of zero emission machinery, HGVs serving the site avoiding routes through Air Quality Management Areas, prohibitions on vehicles/machinery idling.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

Reason: to minimise detriment to nearby residential amenity.

24. COMPLIANCE REQUIRED: NO BURNING ON SITE

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 nearby residential amenity.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development
CS1 - Settlement Hierarchy
CS2 - Development in the Countryside
CS3 - Reduce Contributions to Climate Change
CS4 - Adapting to Climate Change
CS5 - Mid Suffolk's Environment
GP1 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H7 - Restricting housing development unrelated to needs of countryside
H9 - Conversion of rural buildings to dwellings
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL8 - Protecting wildlife habitats
E4 - Protecting existing industrial/business areas for employment generating uses
E6 - Retention of use within existing industrial/commercial areas
T9 - Parking Standards
T10 - Highway Considerations in Development

Emerging Joint Local Plan Policies

SP01 - Housing Needs
SP03 - The sustainable location of new development
SP05 - Employment Land
LP01 - Windfall infill housing development outside settlement boundaries
LP04 - Replacement Dwellings and Conversions
LP10 - Change from Employment Uses
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP29 - Safe, Sustainable and Active Transport

NOTES:

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

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

2. **BATS & TREES - European Protected Species**

All species of bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, which implements the EU Directive in the UK. It is an offence to damage or destroy a breeding site or resting place of a European Protected Species or deliberately disturb any such animal.

As it is possible that bats might be disturbed during works to trees, a visual inspection should be carried out according to the Bat Conservation Trust's publication "Bat Survey - Good Practice Guidelines". All the trees identified for felling or surgery need to be assessed for features e.g. hollow branch cavities and cracks/splits which give them potential to support bat roosts. Trees can then be assigned to different categories of potential and the mitigation required can be identified.

It is helpful if tree surgeons are trained to check for bats when trees are climbed and inspected. Ideally they need to carry out a detailed, off the ground visual assessment of features that can be used by bats. This information can then be used to provide a best expert judgement on the potential use of suitable cavities, based on the habitat preferences of bats.

With field evidence of the presence of bats in trees, a bat consultant will be required to carry out dusk and dawn surveys to establish more accurately the presence, species, numbers and type of roost present and to inform the mitigation requirements. A list of suitably qualified consultants can be supplied plus further information re specification for this survey work.

If trees with confirmed roosts need to be felled, this will require a Habitat Regulations licence, sought on health and safety grounds from Natural England. This must be held by the owner of the tree (NOT the bat consultant) and he/she will need to ensure any required mitigation is implemented e.g. the installation of equivalent habitats as a replacement. Felling must be undertaken using reasonable avoidance measures such as "soft felling" to minimise the risk of harm to individual bats.

Any confirmed bat roosts in trees which are not identified for felling should be protected and ensure they do not become isolated from other trees. Ideally a buffer ring of trees and understorey should be retained around roosts to maintain a wooded corridor.

Trees with potential but no confirmed roosts for bats can be felled without a licence. However this should be done preferably in September/October using reasonable avoidance measures e.g. lowering and cushioning techniques to reduce the impact of felling limbs which still have bats within cavities. An expert opinion on the safety of these trees should inform the decision as to whether or not the work can be delayed until this time of year (when bats are not breeding or hibernating).

Trees which have been earmarked for dead wooding should also be surveyed to ensure arboricultural work will not affect bats.

The maximum penalty for breaches by companies, individuals and the employing organisations has been raised up to £5000 per incident or per bat and/or a 6 month custodial sentence. As the courts will decide whether the offence could reasonably have been avoided, assessment for the potential of bats in trees is essential before work is carried out.

3. **Land Contamination Note**

The Council's environmental protection team has assessed the site and proposal and can find no reason to suggest that there is a potential risk from land contamination. The applicant is however advised to contact the Council's environmental protection team on 0300 123 4000 should any unexpected ground conditions be encountered during construction of the development hereby approved.

The developer is hereby made aware that the responsibility for the safe development and secure occupancy of the site rests with them.

4. **Highways 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's Central Area Manager should be contacted on Telephone 01473 341414. Further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

5. **Lead Local Flood Authority Note**

- o Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- o Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- o Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be subject to payment of a surface water developer contribution

- o Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991
- o Any works to a main river may require an environmental permit.

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/23/04344

Signed: Philip Isbell

Dated: 9th November 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.

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Telephone: (0300) 1234 000

www.babergh.gov.uk

Mid Suffolk District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Telephone: (0300) 1234 000

www.midsuffolk.gov.uk