

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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PLANNING PERMISSION

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

Correspondence Address:

KFD Architecture
Bellrope View
Rectory Road
Shelfanger
IP22 2DQ

Applicant:

Mr Matt & Mrs Sam Hollands
3 Orchard Lane
Thurston
Bury St Edmunds
Suffolk
IP31 2LQ

Date Application Received: 04-Oct-23

Application Reference: DC/23/04638

Date Registered: 05-Oct-23

Proposal & Location of Development:

Householder Application - Erection of first floor to single-storey dwelling and erection of two-storey extension. Provision of new vehicular access.

3 Orchard Lane, Thurston, IP31 2LQ,

Section A – Plans & Documents:

This decision refers to drawing no./entitled Existing Location Plan1061-01 received 04/10/2023 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:

Biodiversity Enhancement Statement - Received 24/11/2023
Sustainability Statement - Received 24/11/2023
Floor Plan - Existing 1061-02 - Received 05/10/2023
Planning Statement - Received 04/10/2023
Application Form - Received 04/10/2023
Block Plan - Existing 1061-01 - Received 04/10/2023
Ecological Survey/Report Norfolk Wildlife Services 2023.148 - Received 04/10/2023
Site Plan 1061-07A entrance+vis splays - Received 19/10/2023
Elevations - Proposed 1061-05D - Received 28/11/2023
Block Plan - Proposed 1061-05D - Received 28/11/2023
Floor Plan - Proposed 1061-04A - Received 21/11/2023

Sectional Drawing 1061-06 - Received 04/10/2023
Defined Red Line Plan Existing Location Plan 1061-01 - Received 04/10/2023
Roof Plan - Existing 1061-03 - Received 04/10/2023

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 SPECIFIC TIMETABLE: ACCESS
VISIBILITY SPLAYS

Before the new vehicular access is first used, visibility splays shall be provided as shown on Drawing No. 1061-07 Rev. A (19 October 2023) with an X dimension of 2.4 metres and a Y dimension of 50 metres in the West direction and 34.8 metres in the East direction, 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.

4. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HIGHWAYS - ACCESS PROVISION

No other part of the development hereby permitted shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Suffolk County council's standard access drawing DM01; and with an entrance width of 3 metres. Thereafter, it shall be retained in its approved form. Prior to the new access being brought into use, all other means of vehicular access into the site from Orchard Lane shall be effectively stopped up and closed in complete accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway and to avoid multiple accesses that would be detrimental to highway safety. This needs to be a pre-commencement condition because access for general construction traffic and other traffic, is not otherwise achievable safely.

5. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HIGHWAYS - ACCESS BOUND SURFACE MATERIAL

Prior to the development hereby permitted being first occupied, the new vehicular access 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.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: HIGHWAYS - SURFACE WATER DISCHARGE

Prior to first use of the hereby approved access the infrastructure within the site shown in Drawing No. 1061-05 Rev. D received on 28th November 2023 for the purposes of preventing surface water from falling onto the highway and being discharged appropriately within the site shall be provided, and thereafter, the infrastructure shall be retained, maintained, and used for no other purposes.

Reason: To prevent hazards caused by flowing water or ice on the highway.

7. 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 Pond Assessment (Norfolk Wildlife Services, October 2023) and Biodiversity Enhancement Statement (KFD Architecture, November 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may 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 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).

8. PRIOR TO COMMENCEMENT: PRECAUTIONARY METHOD STATEMENT FOR MOBILE PRIORITY SPECIES

Prior to commencement, a Precautionary Method Statement for mobile priority species shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to mobile priority species during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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).

9. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: BIODIVERSITY ENHANCEMENT

Prior to first use of the hereby approved extension, biodiversity enhancement measures shall be implemented in accordance with the approved Biodiversity Enhancement Statement received 24th November 2023, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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).

10. ON GOING REQUIREMENT OF DEVELOPMENT/USE: PROHIBITION ON BURNING

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

11. SPECIFIC RESTRICTION ON SITE: WORKING HOURS

Operations related to the construction (including site clearance and demolition) phases) of the permitted development/use shall only operate between the hours of 07.30 and 18.00hrs Mondays to Fridays and between the hours of 08.00 and 13.00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no HGVs arriving at or departing the site outside of these approved hours.

Reason: to minimise detriment to nearby residential amenity

12. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: SUSTAINABILITY ENHANCEMENT

Prior to first use of the hereby approved extension, sustainable enhancement measures shall be implemented in accordance with the approved Sustainability Design and Construction Statement received 24th November 2023, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. All features shall be retained in that manner thereafter.

Reason: To minimise its dependence on fossil fuels and to make the fullest contribution to the mitigation of climate change through adopting a sustainable approach to energy use.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
Thurston Neighbourhood Plan
SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP03 - Residential Extensions and Conversions
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
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. 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.

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/23/04638

Signed: Philip Isbell

Dated: 28th 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-householder-planning-decision>.

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

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

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