

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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APPROVAL OF RESERVED MATTERS

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

Correspondence Address:

Mr E Thuell
Whitworth
18 Hatter Street
Bury St Edmunds
IP33 1NE

Applicant:

Caburn Properties Ltd
Red House Farm
Priory Road
Fressingfield
IP21 5PH

Date Application Received: 13-Aug-20

Application Reference: DC/20/03457

Date Registered: 14-Aug-20

Proposal & Location of Development:

Reserved Matters application relating to Hybrid Permission 4410/16. Submission of details for the Outline Planning Permission for Layout, Landscaping, Appearance and Scale for the construction of up to 28no dwellings (some affordable).

Land And Buildings At Red House Farm, Priory Road, Fressingfield, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 619314/J received 26/05/2021 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 17 C - Received 04/02/2021
Proposed Plans and Elevations 18 C - Received 04/02/2021
Proposed Plans and Elevations 19 C - Received 04/02/2021
Proposed Plans and Elevations 20 C - Received 04/02/2021
Proposed Plans and Elevations 21 C - Received 04/02/2021
Proposed Plans and Elevations 22 C - Received 04/02/2021
Proposed Plans and Elevations 23 C - Received 04/02/2021
Proposed Plans and Elevations 24 C - Received 04/02/2021
Proposed Plans and Elevations 27 C - Received 04/02/2021
Highway Access Plan 6193 26/D - Received 26/05/2021
Proposed Site Plan 6193 14/J - Received 26/05/2021
Street Scene - Proposed 6193 28/D - Received 26/05/2021

Proposed Plans and Elevations 6193 29 - Received 26/05/2021
Drainage Details 166/2020/03 P4 - Received 21/05/2021
Drainage Details 166/2020Fressingfd 12.11.20 - Received 18/05/2021
Defined Red Line Plan 6193 14/J - Received 26/05/2021

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **RESERVED MATTERS HAVE BEEN APPROVED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. COMPLIANCE. TIME LIMITED

This Reserved Matters approval is granted pursuant to condition 3 attached to the outline planning permission reference 4410/16 granted 15 August 2017. This development is subject to a signed S106 Agreement, the requirements of which bind the owner and successors in title and run with the land.

Reason - For the avoidance of any doubt the Council wishes to make it clear that in approving these Reserved Matters relevant conditions attached to the outline planning permission remain valid and continue to apply. This may amongst other things require additional details pursuant to conditions, it may include restrictions on development and will include the commencement deadline identified in the outline planning permission.

2. COMPLIANCE

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above, unless subject to the need for further submission/s by conditions within this decision notice 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.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

3. SPECIFIC PD REMOVAL

Notwithstanding the definition of development provided by Section 55 of the Town and Country Planning Act 1990 (as amended), the provisions of Part 3 and/or Schedule 2 Part 1 Classes A to C of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification): and Schedule 2, Part 1- Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2020, (or any Order revoking and re-enacting that Order with or without modification): - no enlargement, increase in height or alteration to any roof/s the detail/s of which are hereby approved; no window, dormer, sky light, opening or similar aperture shall be installed, placed or otherwise inserted into any roof slope/s hereby approved; and no additional storey/storeys added except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of adjoining properties. In approving these details, the Council has given significant regard to the fact that proposed dwellings on the site's northern and eastern boundaries are bungalows with no accommodation in the roof space and hence no openings in the roof that might look towards existing adjacent dwellings. The Council wishes to safeguard this relationship and prevent alterations via normal permitted development means that might subsequently give rise to unacceptable infringements to amenity by way of overlooking and intrusion to privacy. Whilst the outline planning permission reference 4410/16 dated 15th August 2017 does not remove residential Permitted Development rights it is now considered reasonable to do so in light of the details now approved.

4. PRE-SLAB REQUIREMENT

Prior to any development above slab level being undertaken, further and precise details of the external materials to be used in terms of manufacturer, brick/tile/slate type, colour, bond and mortar shall be submitted to and agreed in writing by the Council as local planning authority. Those materials will be selected from the types described below as agreed in principle by the applicant:

Roofs:

Clay plain tiles

Clay pantiles

Real slate

Walls

Soft red stock bricks

White Suffolk Gault stock bricks

Render

Black feather-edged weatherboarding

No concrete or artificial equivalents are permitted. Where real slate is to be used this shall be Welsh slate.

Such materials as shall have been so agreed shall be used in the implementation of the development.

Reason: In approving these Reserved Matters details, the Council has given significant weight to the applicant's commitment to use materials from the traditional Suffolk palette.

The Council wishes to ensure that this development achieves a high degree of local distinctiveness. The house types as amended and agreed will play a role in delivering this outcome, but the materials are the second equally important component in achieving that distinctiveness in this historic rural village setting. The Council wishes to ensure that inferior materials are not subsequently used, as this would undermine the Adopted Fressingfield Neighbourhood Development Plan 2021 and run counter to the achievement of beauty in new developments and resisting watering down quality as envisaged in the NPPF 2021.

5. PRE-SLAB SUBMISSION REQUIREMENT

Notwithstanding such detail as has been submitted, further landscaping details shall be submitted to and approved in writing by the local planning authority prior to any works

above slab level commencing or any works associated with the formation of the drainage basin. Such detail as shall have been agreed shall be implemented in accordance with a planting programme and landscape management plan which shall also have been submitted within the further landscape details. Any landscape that dies or is dying within the first five years after planting shall be replaced immediately in the first planting season thereafter. Particular attention must be given to landscaping of the drainage basin to ensure a naturalistic environment is created.

Reason - The details submitted with the application were insufficient to properly assess the merits of full landscaping details. The Council wishes to ensure that the landscaping of this site enhances biodiversity and creates a sympathetic "edge of village" character that harmonises with the countryside beyond and forms a natural transition between urban and rural. In addition, the Council wishes to ensure that the drainage basin contributes positively to the village street-scene and has the appearance and character of a village pond.

6. PRE-OCCUPATION CONDITION AND SUBMISSION REQUIREMENT

Prior to occupation, each dwelling shall be provided with a fixed working external electric vehicle charger convenient to the associated on-plot parking space or garage to a specification that shall have first been agreed in writing with the Council. Where parking spaces are provided within a communal parking court, a shared space served with an appropriate charger shall be provided to a specification agreed in writing with the Council. Additionally, where parking is provided in front of dwellings beyond a footway, that footway shall incorporate grated channels that will allow residents to run an extension cable from the charger attached to the house without creating a trip hazard.

Reason - In order to encourage the future take up of electric vehicles ahead of the banning of new petrol and diesel powered vehicles and in order to promote sustainable travel and as a response to the climate global climate emergency.

7. COMPLIANCE: DRAINAGE

The drainage details hereby approved, including the drainage basin, shall be implemented in full prior to the occupation of any dwelling.

Reason - to ensure the proper drainage of the site

8. COMPLIANCE; NO THROUGH ROAD MEASURES

Prior to occupation of any dwelling hereby approved, the lockable bollards to a specification that shall have first been agreed in writing with the local planning authority, shall be installed in the position shown on the approved drawings so as to prevent through traffic between the new estate road and Priory Road.

Reason - In order to avoid the use of Priory Road as a "rat run", in the interest of highway safety and amenity.

9. COMPLIANCE AND SUBMISSION REQUIREMENT: CONSTRUCTION METHOD STATEMENT

Prior to foundations being started and/or road construction and/or drainage installation a Construction Management Statement [with appropriate plans where necessary] shall have

been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved Statement and any associated plans. The Construction Management Statement and any associated plans shall include the following matters:

- o details of haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- o details of compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements,
- o details of overburden/topsoil storage areas, fuel storage, hazardous materials storage
- o provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting
- o details of proposed means of dust suppression
- o details of proposed means of noise suppression
- o full piling details
- o details of measures to prevent mud from vehicles leaving the site during construction
- o details of deliveries times to the site during construction phase of details of provision to ensure pedestrian and cycle safety
- o programme of works (including measures for traffic management and operating hours)
- o parking and turning for vehicles of site personnel, operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials
- o maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.
- o the construction programme
- o details as to how local people will be kept reasonably informed of the build programme

Reason - In the interest of highway safety, residential amenity and good neighbourliness.

10. PRE OCCUPATION: DRYING AREA

Prior to occupation, each flat shall have access to on-plot secure external drying areas adequate for all residents in the block even if all the individual flats are themselves provided with drying equipment such as tumble dryers.

Reason - To ensure that occupiers have access to secure drying facilities in good drying weather, so that they do not add to electricity bills and allow the clothes to dry naturally.

11. PRE OCCUPATION ACCESS AND FOOTWAYS

No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details, except with the written agreement of the Local Planning Authority.

Reason - To ensure that satisfactory access is provided for the safety of residents and the public.

12. PRE OCCUPATION REQUIREMENT

Before the development hereby permitted is occupied, the site access with New Street shall have been fully formed and finished and the visibility splays hereby approved provided, along with the new footway along the site frontage as approved.

Reason - In the interest of highway safety and amenity

13. Energy Conservation

Prior to any development commencing above slab level, an energy conservation statement shall have been submitted to, and approved in writing by, the local planning authority. Such details as shall have been approved shall be implemented prior to occupation and be available for use by the occupants.

Reason - The Council wishes to encourage developers to deliver high levels of energy efficiency in new residential buildings as required by Policy CS3 and wishes to ensure developers, where possible, drive towards standards likely to be included in the Building Regulations Part L or to better them as a response to the climate emergency.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CS04 - Adapting to Climate Change
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
H03 - Housing development in villages
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
T09 - Parking Standards
Fressingfield Neighbourhood Plan
NPPF - National Planning Policy Framework

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.

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/20/03457

Signed: Philip Isbell

Dated: 2nd August 2021

**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.