

**Philip Isbell - Chief Planning Officer**  
**Sustainable Communities**

**Babergh District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)



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**PLANNING PERMISSION**  
**TOWN AND COUNTRY PLANNING ACT 1990**

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**Correspondence Address:**

Wincer Kievenaar  
2 Market Place  
Hadleigh  
IP7 5DN  
United Kingdom

**Applicant:**

Casa Development Holdings  
231 Shoreditch High Street,  
London  
E1 6PJ

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**Date Application Received:** 16-Dec-22

**Application Reference:** DC/22/06241

**Date Registered:** 17-Dec-22

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**Proposal & Location of Development:**

Application under S73 for the Removal or Variation of a Condition following refusal of DC/21/00124 and subsequent appeal APP/D3505/W/21/3277336 dated 14/02/2022 - Erection of 2 No detached five bedroom dwellings, rearranging the car parking relating to the public house. Creation of vehicular access drive to serve the two dwellings (following demolition of the existing double garage together with additional landscaping) Town and Country Planning Act 1990 (as amended) - To vary Condition 2 (approved plans and documents) reduced plot sizes and improved parking layout/separation from public house.

Three Horseshoes, Stows Hill, Cockfield, Bury St Edmunds Suffolk IP30 0JB

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**Section A – Plans & Documents:**

This decision refers to drawing no. entitled 002 received 08/01/2021 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:

Floor Plan - Proposed 5800\_PA\_01 Plot 1 - Received 16/12/2022  
Elevations - Proposed 5800\_PA\_02 Plot 1 SW/SE - Received 16/12/2022  
Floor Plan - Proposed 5800\_PA\_04 Plot 2 - Received 16/12/2022  
Elevations - Proposed 5800\_PA\_05 Plot 2 SW/SE - Received 16/12/2022  
Elevations - Proposed 5800\_PA\_06 Plot 2 NE/NW - Received 16/12/2022  
Street Scene - Proposed 5800\_PA\_07 - Received 16/12/2022  
Block Plan - Proposed 5800\_PA\_08 - Received 16/12/2022  
Defined Red Line Plan 002 - Received 08/01/2021  
Ecological Survey/Report REP20001 Rev A - Received 08/01/2021  
Environmental Report Phase I Geoenvironmental Desk Study - Received 08/01/2021

**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 SECTION 73 TIME LIMIT

The development hereby permitted must be begun not later than the expiration of three years from the date of Planning Permission Reference DC/21/00124 that this application varies (i.e., the development must be begun before 14 February 2025)

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 LEVELS

Prior to the commencement of works on the dwellings (not including the approved pub car park) hereby approved full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason - In view of the sloping nature of the site a condition is necessary to control the finished floor levels of the dwellings so that they respect the character of their surroundings. This condition is required to be agreed prior to the commencement of works to buildings and/or ground levels as any construction process beyond this stage without this agreement risks having to be restarted resulting in delay and cost for the developer.

4. ACTION REQUIRED PRIOR TO FIRST USE: DETAILS OF PROPOSED ACCESS REQUIRED.

The dwellings and car parking hereby permitted shall not be used unless or until full details of the access arrangements (including surface finishes), between the site and the public highway, have been submitted to and approved in writing by the Council and completed in accordance with the approved details. The access shall be retained thereafter in its approved form.

Reason - To secure appropriate and safe access to the site as a whole in the interests of highway safety.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF REFUSE BINS AND COLLECTION AREAS

Before the commencement of any above ground works details of the areas to be provided for storage and collection of refuse/recycling bins shall be submitted to and approved in writing by the Council. The approved scheme shall be completed before the development is brought into use and shall be thereafter be used for the storage and collection of refuse/recycling bins.

Reason: In order to ensure that there is adequate space for refuse and recycling bins a condition is necessary to show where this is to be located and how it is to be laid out and to ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

6. ACTION REQUIRED PRIOR TO USE/OCCUPATION - HIGHWAYS: PROVISION OF PARKING.

The parking and manoeuvring areas shown on the approved plans listed under Section A shall be provided before the dwellings hereby permitted are occupied and shall be retained and used for no other purpose thereafter.

Reason - A condition is necessary to ensure that the car parking and manoeuvring areas are made available on the site and that they are retained for the users of the pub and the dwellings, in the interests of highway safety. To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

7. ACTION REQUIRED PRIOR TO FIRST USE OF ACCESS: HIGHWAYS - PROVISION OF VISIBILITY SPLAYS

Before the access arrangements approved in accordance with Condition No. 4 are brought into use visibility splays shall be provided with an X dimension of 2.4 metres and a Y distance of 120 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted, or permitted to grow within the areas of the visibility splays.

Reason - A condition is necessary to ensure that adequate visibility is provided where the access meets the public highway, in the interests of highway safety. To ensure vehicles

exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

8. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT TO BE AGREED

Before the development hereby permitted is commenced a Construction Management Plan (CPM) shall be submitted to and approved in writing by the Council. Construction of the development shall not be carried out other than in accordance with the approved CPM and shall include the following:

- i) Parking and turning for vehicles of site personnel, operative and visitors
- ii) Loading and unloading of materials
- iii) Piling techniques
- iv) Storage of plant and materials
- v) Programme of works (including measures for traffic management and operating hours)
- vi) Details of measures to prevent mud from leaving the site during construction, including any provision for wheel washing.
- vii) Restriction of working to the following days and hours:
  - No working outside the hours of 08:00 to 18:00 Monday to Friday (inclusive)
  - No working outside the hours of 08:00 to 13:00 Saturdays
  - No working on Sundays or Public Holidays.

Reason - A condition requiring a Construction Management Plan (CMP) is necessary in order to protect highway safety and the living conditions of neighbouring residential occupiers. In the interests of the amenities of the locality and to safeguard the environment.

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No above ground development shall take place until precise details of the manufacturer and types and colours of all external facing materials have been submitted to and approved by the Council in writing. The relevant works shall be carried out in accordance with the approved details.

Reason - A condition is necessary to ensure that all the external materials to be used on the proposed dwellings are approved so that they respect the character of their surroundings. 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.

10. ACTION REQUIRED PRIOR TO SLAB LEVEL: LANDSCAPING SCHEME

No above ground development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Council. These details shall include:

- i) earthworks showing existing and proposed finished levels or contours;
- ii) identify all existing trees and hedgerows and show those that are to be retained;
- iii) means of enclosure and retaining structures;
- iv) boundary treatment;

- v) other vehicle and pedestrian access and circulation areas;
- vi) hard surfacing materials;
- vii) lighting, floodlighting and CCTV;

Reason - A fully detailed landscaping scheme is necessary for the whole site given its position on the edge of the settlement. In the interests of visual amenity and the character and appearance of the area.

11. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the works and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

12. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the Council. The scheme shall include an assessment of significance and research questions, and:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- vii) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Council.

Reason - In view of the archaeological comments received during the processing of the planning application in order to record and/or protect any archaeological features that might be present on the site a condition is necessary in this regard. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

13. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Council, in accordance with the programme set out in the Written Scheme of Investigation (submitted in

accordance with Condition no. 12 above and the provision made for analysis, publication and dissemination of the results and archive deposition.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

## **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework

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

CS02 - Settlement Pattern Policy

CS11 - Core and Hinterland Villages

CS15 - Implementing Sustainable Development

CN01 - Design Standards

CN06 - Listed Buildings - Alteration/Ext/COU

TP15 - Parking Standards - New Development

## **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.

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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/22/06241

**Signed: Philip Isbell**

**Dated: 6th February 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/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.