

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

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

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



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## **PLANNING PERMISSION**

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

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**Correspondence Address:**

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CO4 9YQ  
United Kingdom

**Applicant:**

Mid Suffolk District Council  
Endeavour House  
Russell Road  
IPSWICH  
Suffolk

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**Date Application Received:** 19-Nov-18

**Application Reference:** DC/18/05104

**Date Registered:** 29-Nov-18

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**Proposal & Location of Development:**

Planning Application. Redevelopment for Class C3 Residential (94 Units) & Class A1 Retail Uses, incorporating demolition works and the construction of new buildings, with associated works and infrastructure. See accompanying schedule for full description of development.

Former Mid Suffolk District Council Offices & Associated Land , 131 High Street, Needham Market, IP6 8DL

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 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:

Site Location Plan 001 D - Received  
Ground Floor Master Plan As Proposed 200 K - Received  
First Floor Master Plan As Proposed 201 H - Received  
Second Floor Master Plan As Proposed 202 G - Received  
Thrid Floor Master Plan As Proposed 203 G - Received  
Proposed Site Masterplan and Roof Plan  
204 G - Received  
Ground Floor Plan Zone 1 As Proposed 210 J - Received  
Ground Floor Plan Zone 2 - As Proposed 211 F - Received

Ground Floor Plan Zone 3 As Proposed 212 G - Received  
First Floor Plan As Proposed Zone 1  
213 H - Received  
First Floor Plan Zone 2 As Proposed  
214 F - Received  
First Floor Plan Zone 3 As Proposed  
215 G - Received  
Second Floor Plan Zone 1  
216 F - Received  
Second Floor Plan Zone 2 As Proposed  
217 F - Received  
Second Floor Plan Zone 3 As Proposed  
218 F - Received  
Third Floor Plan Zone 1  
219 F - Received  
Third Floor Plan Zone 2 As Proposed  
220 F - Received  
Third Floor Plan Zone 3 As Proposed  
221 F - Received  
As Proposed Elevations Sheet 1  
230 A - Received  
As Proposed Elevations Sheet 2 231 B - Received  
As Proposed Elevations Sheet 4  
233 A - Received  
As Proposed Elevations Sheet 5  
234 A - Received  
As Proposed Elevations Sheet 8  
237 A - Received  
As Proposed Elevation Sheet 9  
238 A - Received  
Block Plan - Existing 100 C - Received  
Ground floor as existing Masterplan 101 B - Received  
First Floor as existing Masterplan 102 B - Received  
Second Floor as existing Masterplan 103 B - Received  
Third floor as existing Masterplan. 104 B - Received  
Landscape Masterplan 2014 01 D - Received  
Basement Plan -Zone 3 as existing. 109 - Received  
Ground Floor Plan Zone 1 as existing 110 B - Received  
Ground Floor Plan Zone 2 as existing. 111 B - Received  
Ground Floor Plan Zone 3 as existing. 112 B - Received  
First Floor Plan Zone 2 as existing. 113 A - Received  
First Floor Plan Zone 3 as existing 114 A - Received  
Second Floor Plan Zone 2 as existing . 115 A - Received  
Second Floor Plan Zone 3 as existing. 116 A - Received  
Third Floor Plan Zone 3 as existing. 117 A - Received  
Existing Elevations sheet 1. 120 - Received  
Existing Elevations Sheet 2. 121 - Received  
Existing Elevations Sheet 3 122 - Received  
Existing Elevations Sheet 4 123 - Received  
Existing Elevations Sheet 5 124 - Received  
Existing Plan Showing Proposed Demolition. 150 B - Received  
Ground Floor Plan Zone 2 Demolition. 151 B - Received  
Ground Floor Plan Zone 3 Demolition. 152 B - Received

First Floor Plan Zone 2 Demolition. 153 A - Received  
First Floor Plan Zone 3 Demolition. 154 A - Received  
Second Floor Plan Zone 2 Demolition. 155 A - Received  
Second Floor Plan Zone 3 Demolition. 156 A - Received  
Third Floor Plan Zone 2 Demolition. 157 A - Received  
Third Floor Plan Zone 3 Demolition. 158 A - Received  
As proposed elevations sheet 3. 232 - Received  
As proposed elevations sheet 6 235 A - Received  
As proposed elevations sheet 7 236 - Received  
Bike and Bin Store elevations. 239 - Received  
Accommodation Schedule 11 February 2019. - Received  
Bat Survey Nocturnal Bat Surveys report 20 November 2018. - Received  
Breeding Bird Surveys report 17 September 2018. - Received  
Ecological Impact Assessment 20 November 2018. - Received  
Lighting Design and Assessment November 2018. - Received  
Heritage Statement Dated October 2018 - Received  
Environmental Report Phase I and II Geo-Environmental Report July 2018 - Received  
Ecological Survey/Report Ecological Assessment and Bat Check report 25 August 2017. - Received  
Remediation Strategy October 2018. - Received  
Flood Risk Assessment Flood Risk Assessment & Drainage Strategy January 2019 - Received  
Transport Assessment November 2018. - Received  
Tree Survey & Arboricultural Impact Assessment November 2018. - Received  
Utilities Assessment October 2018. - Received  
Topographic Survey Dated August 2017. - Received  
Application Form Dated 16 November 2018. - Received  
Planning Statement Dated November 2018. - Received  
Design and Access Statement Dated November 2018. - Received  
Statement of Public Consultation November 2018. - Received  
(Confidential) Financial Viability Assessment 9 January 2019. - Received  
CIL form Additional Information Form 16 November 2018. - Received  
Residential Dwelling Units Supplementary Information (Revised) 26 November 2018. - Received  
Employment Viability Appraisal May 2018. - Received  
Needham Market EVA Addendum October 2018. - Received  
(Confidential) Retail Sequential Test Statement November 2018. - Received

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## **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 eighteen months 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 and in order to ensure an early delivery of housing to the district.

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.

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

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

No development shall take place on site (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works) until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and: a. The programme and methodology of site investigation and recording. b. The programme for post investigation assessment. c. Provision to be made for analysis of the site investigation and recording. d. Provision to be made for publication and dissemination of the analysis and records of the site investigation. e. Provision to be made for archive deposition of the analysis and records of the site investigation. f.

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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. 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.

4. 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 Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation as may be agreed by the Local Planning Authority. Provision shall be made for analysis, publication and dissemination of 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.

## 5. SITE REMEDIATION

(i) The remediation of the site shall be carried out in its entirety in accordance with the recommendations contained in the submitted Phase I & II Geo-environmental Assessment and Remediation Strategy (REC July 2018 & October 2018). Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the Remediation Strategy prior to the first use/occupation of the development.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, and prior to the first use/ occupation of the development, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

## 6. DRAINAGE

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details

Reason - Infiltration through contaminated land has the potential to impact on ground water quality.

## 7. PILING

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/ turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

## 8. FLOOD RISK AND DRAINAGE STRATEGY

The strategy for the disposal of surface water and the Flood Risk Assessment & Drainage Strategy (MLM, January 2019), ref: 619142-MLM-ZZ-RP-C-001 rev 5) shall be

implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy, unless otherwise agreed by the Local Planning Authority.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

#### 9. PRE-COMMENCEMENT SUDS

No development shall commence (excluding operations consisting of the erection of temporary hoardings and contractors compound) until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: -

i. Temporary drainage systems

ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses

iii. Measures for managing any on or offsite flood risk associated with construction

Reason - To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan

#### 10. PRIOR TO OCCUPATION SUDS

The development hereby permitted shall not be occupied until the details of all Sustainable Urban Drainage System Components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason - To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register in accordance with s21 of the Flood and Water Management Act.

#### 11. ECOLOGICAL MITIGATION MEASURES

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Adonis Ecology Ltd, August 2017), Breeding Bird Survey (Adonis Ecology Ltd, September 2018) Bat Survey and Ecological Impact Assessment (Adonis Ecology Ltd, November 2018), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, unless otherwise agreed in writing by the Local Planning Authority

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 Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats & Species).

#### 12. PRE-COMMENCEMENT BAT LICENCE

The following works to demolish the 'Garage' and replace it with new residential dwellings shall not 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 authorising the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason - To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

### 13. PRE-COMMENCEMENT BIO-DIVERSITY MEASURES

A Biodiversity Enhancement Strategy for Protected/ Priority species shall be submitted to and approved in writing by the Local Planning Authority, following the details contained within the Ecological Impact Assessment (Adonis Ecology Ltd, August 2017), Breeding Bird Survey (Adonis Ecology Ltd, September 2018) and Bat Survey (Adonis Ecology Ltd, November 2018) before the development is occupied.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives of the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures with appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance.

The works shall be implanted in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

### 14. SPECIFIC RESTRICTION ON DEVELOPMENT: TREE PROTECTION

For 5 years following from the commencement of development, none of the existing trees on the site that are identified for protection on Underhill Tree Consultancy Tree Protection Plan ref UTC P04 TPP Rev E dated 27.11.18, shall be lopped, topped, felled, have their roots severed or be uprooted without the prior written approval of the Local Planning Authority. Any trees felled, uprooted, dying or being seriously damaged as a result of actions taken without such prior written approval shall be replaced in the next planting season (October - March inclusive) in the same or similar siting with others of similar size and species.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

### 15. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE PROTECTION

No development shall be commenced (excluding operations consisting of the erection of temporary hoardings and contractors compound) until the existing tree/s on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been approved, in writing, with the Local Planning Authority prior to the commencement of development. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority, following first use or first occupation of the development, and following the death of, or severe damage to the tree/s.

Reason - For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development (unless it is an excluded operation) to ensure trees are protected 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 trees.

16. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:  
LANDSCAPING SCHEME

No development shall take place (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works) until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site indicate to be retained on Underhill Tree Consultancy Tree Protection Plan ref UTC P04 TPP Rev E dated 27.11.18. The soft landscaping plan should include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of new fencing in relation to existing and proposed planting.

Reason - In the interests of visual amenity and the character and appearance of the area.

17. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: LANDSCAPE MANAGEMENT  
PLAN

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out in its entirety as approved in accordance with the details and timescales in the plan and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.



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

Before the access is first used visibility splays shall be provided as shown on approved drawings under Section A above and thereafter retained and maintained in the specified form, unless otherwise agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (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 - To ensure vehicles exiting the access 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.

19. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: PROVISION OF ROADS & FOOTPATHS

Before the development is commenced (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works), details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage and a timetable for said works, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety in accordance with the timetable agreed, unless otherwise agreed in writing by the Local Planning Authority. Said roads and footpaths shall be kept free of obstruction for their stated purpose at all times thereafter.

Reason - To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both the development and construction phases. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

20. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

21. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS TO ACCESS: HIGHWAYS - SURFACE WATER DISCHARGE PREVENTION DETAILS REQUIRED

Prior to the commencement of any works to the access, 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. The approved scheme shall be carried out in accordance with a phased arrangement to be agreed, and

shall be retained and maintained thereafter in its approved form, unless otherwise agreed in writing by the Local Planning Authority.

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

22. ACTON REQUIRED PRIOR TO FIRST OCCUPATION OF DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS

Prior to the first occupation of the development, the areas to be provided for storage of refuse/recycling bins and any associated collection areas shall be provided as per drawings 239 Bike and Bin Store Elevations and 200K Ground Floor Masterplan as hereby approved, in writing, by the Local Planning Authority. The approved areas shall be provided in accordance with a phased arrangement to be agreed prior to occupation of any of the residential units, and shall be retained thereafter for no other purpose.

Reason - To ensure that refuse/ recycling bins are not stored on the highway causing obstruction and dangers for other users.

23. TRAVEL PACKS

Not less than 3 months prior to the first occupation of any dwelling, details of a Residents Travel Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and shall include walking, cycling and bus maps, latest relevant bus timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher. Within one month of the first occupation of each dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack in accordance with the approved details.

Reason - In the interest of sustainable development as set out in the NPPF, and strategic objectives SO3 and SO6 of the Mid Suffolk Core Strategy Plan Document (2008) and Core Strategy Focused Review (2012)

24. CONTRACTORS' VEHICLES

Before the development is commenced (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works), details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure electric vehicle charging points and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with a phased arrangement to be agreed, and shall be retained thereafter and used for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

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

Prior to the commencement of development (excluding operations consisting of the erection of temporary hoardings) details of the construction methodology shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site. b)

Details of the storage of construction materials on site, including details of their siting and maximum storage height. c) Details of how construction and worker traffic and parking shall be managed. d) Details of any protection measures for footpaths surrounding the site. e) Details of any means of access to the site during construction. f) Details of the scheduled timing/phasing of development for the overall construction period. g) Details of any wheel washing to be undertaken, management and location it is intended to take place. h) Details of the siting of any on site compounds and portaloos. i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition. The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development (unless it is an excluded operation) as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

## 26. CONSTRUCTION MANAGEMENT2

- 1) The use of barriers to mitigate the impact of noisy operations will be used where feasible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
  - 2) No articulated vehicle or construction plant traffic connected with the demolition or construction works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday, 08:00 - 13:00 Saturday with no working of any kind permitted on Sundays or any Public/Bank Holidays.
  - 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in the current version of BS 5228.
  - 4) Mobile plant to be resident on site during all works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
  - 5) Prior to the commencement of any piling works which may be necessary a full method statement shall be agreed in writing for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- Reason - to minimise detriment to nearby residential amenity

## 27. EMISSIONS

- 1) No materials produced as a result of the site development or clearance shall be burned on site.
- 2) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site at all times shall be suitably sheeted to prevent nuisance from dust in transit.

Reason - to minimise detriment to nearby residential amenity.

## 28. ACTION REQUIRED: AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

No development shall commence above slab level (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works) until a scheme for the provision and implementation of water, energy and resource efficiency measures, during the operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and resources to reduce harm to the environment, and result in wider public benefit in accordance with the NPPF.

29. LIGHTING SCHEME

All external lighting on the site of the convenience goods retail unit shall be as specified and installed in accordance with the External Lighting Design & Assessment (Ingleton Wood, November 2018) submitted with the planning application and thereafter retained to the agreed specification, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To minimise any detriment to nearby residential amenity.

30. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no enlargement, improvement, insertion of new openings or other alteration of the dwelling house(s) (including loss of garages or car ports from their intended purpose) shall be carried out, no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, 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 the amenity of the locality and to safeguard local distinctiveness.

31. RETAIL FLOORSPACE

The convenience goods retail unit hereby approved shall be limited to 511m<sup>2</sup> gross internal floorspace.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality.

32. OPENING & DELIVERY HOURS

The hours of operation for the convenience goods retail unit to be as specified in the planning application form i.e. 07.00 to 22.00 Monday to Saturday and 10.00 to 16.00 Sundays and public holidays. All collections and deliveries shall be limited to take place

between 06.00 to 19.00 Monday to Saturday and 09.00 to 16.00 Sundays and public holidays.

Reason - To minimise detriment to nearby residential amenity

33. FIXED PLANT/MACHINERY

No fixed plant and/or machinery associated with the convenience goods retail unit shall come into operation until the details of the fixed plant and machinery serving the unit, and any mitigation measures, are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 35 dBA at any time. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014. The approved levels shall be adhered to thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason - to protect the existing and future occupiers of noise sensitive dwellings from adverse impacts of fixed plant noise associated with the convenience goods retail unit.

34. SOUND INSULATION - RETAIL UNITS

A scheme of sound insulation between the convenience goods retail unit and the proposed residential properties above, to ensure that maximum noise levels from activity at the convenience goods retail unit do not exceed 35 dB LAmax shall be submitted to the Local Planning Authority and approved in writing. The recommendations within the Noise Assessment (Sharps Redmore October 2018) shall be implemented in full prior to the first occupation of those residential units.

Reason - to protect the future occupiers of noise sensitive dwellings from adverse impacts of fixed plant noise

35. LIGHTING STRATEGY

Prior to construction above ground level (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works) an External Lighting Strategy shall be submitted to the Local Planning Authority and approved in writing. The recommendations within the strategy shall be implemented in full prior to first occupation of the development.

Reason - To ensure that the publicly accessible areas of the development are appropriately lit.

36. FOOTPATH FLOW RESTRICTORS

Prior to first occupation, a scheme of footpath flow restrictors (or other measures as may be agreed) to pathways shall be submitted to the Local Planning Authority and approved in writing. The recommendations within the scheme shall be implemented in full prior to the first occupation of the development.

Reason - To reduce the opportunity to exit the development at speed.

37. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be provided in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

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

No development/works shall be commenced above slab level (excluding operations consisting of the erection of temporary hoardings and contractors compound, site clearance and demolition works) 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

39. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF LEVELS

Prior to the commencement of works in association with the dwellings and convenience goods retail unit hereby approved and/or any change in ground levels, (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works) details of existing and proposed levels of the site, finished floor levels and identification of any areas of cut or fill as measured from a fixed off site datum point shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in its entirety in accordance with the levels agreed, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to secure a design in scale with development surrounding the site so as to protect the visual amenity of neighbouring properties and character of the area. This condition is required to be agreed prior to the commencement of works to buildings and/or ground levels (unless it is an excluded operation) as any construction process beyond this stage without this agreement risks having to be restarted resulting in delay and cost for the developer.

40. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF PHASING OF DEVELOPMENT

Before any development is commenced, (excluding operations consisting of the erection of temporary hoardings, contractors compound, site clearance and demolition works) a phasing plan for the carrying out of the component parts of the development shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved phasing plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development provided in appropriate phases to ensure minimal detriment to residential amenity, the environment and highway safety prior to the commencement of such development, unless it is an excluded operation.

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

CS01 - Settlement Hierarchy  
CS01 - Settlement Hierarchy  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
CS07 - Brown Field Target  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC02 - Provision And Distribution Of Housing  
FC03 - Supply Of Employment Land  
CS12 - Retail Provision  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB08 - Safeguarding the character of conservation areas  
HB03 - Conversions and alterations to historic buildings  
HB02 - Demolition of listed buildings  
H13 - Design and layout of housing development  
H16 - Protecting existing residential amenity  
E12 - General principles for location, design and layout  
S07 - Provision of local shops  
S10 - Convenience Good Store  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
SC11 - Accommodation for voluntary organizations  
E06 - Retention of use within existing industrial/commercial areas  
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. 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. PUBLIC RIGHTS OF WAY**

Public footpaths 3 & 4 are recorded through the proposed development area & the grant of planning permission is separate to any consents that may be required in relation to Public Rights of Way, which would need to be obtained from the public Rights of way &

Access Team at Suffolk County Council as the Highway Authority, Tel 0345 606 6071, [www.suffolkpublicrightsofway.org.uk](http://www.suffolkpublicrightsofway.org.uk);

### 3. HIGHWAYS

The Highway Authority recommends that developers of housing estates enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction & adoption of Estate Roads.

4. The Applicant is required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and adoption of highway improvements, incorporating the specification of highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums and changes to the existing street lighting and signing;

### 5. FIRE

The Fire Officer recommends that automatic fire sprinklers are installed to the residential & commercial properties;

### 6. FLOOD AND WATER MANAGEMENT

Works to any water courses require consent under Section 23 of the Land Drainage Act; Any discharge to a watercourse or groundwater to comply with the Water Environment (Water Framework Directive) (England & Wales) Regulations 2003; Any discharge of surface water to a watercourse that drains into an Internal drainage Board catchment is subject to payment of a surface water developer contribution; Any works to lay new surface water drainage pipes underneath the public highway need a Section 50 license under the New Roads & Street Works Act.

### 7. WASTE MANAGEMENT

The applicant should ensure that:

The bin store for the flats off the High Street is sufficient to accommodate two sets of 1100L and 1 x 240l glass bin. The egress must be flush and a dropped curb on to the High Street so that manoeuvring wheeled bins is completed with ease;

The bin store for the flats off Hurstlea Road side has sufficient storage space for 3 sets of 1100l and a 240l glass bin, ensuring that there is a flush egress;

The development is suitable for a 32 tonne Refuse Collection Vehicle to manoeuvre around with wheeled bin presentation points are required to be plotted on a map.

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/18/05104

**Signed: Philip Isbell**

**Dated: 10th October 2019**

**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.