

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council
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Website: www.babergh.gov.uk



PLANNING PERMISSION

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

Correspondence Address:

Dean Jay Pearce - Architectural Design &
Planning Ltd
2/3 Milestone House
Hall Street
Long Melford
Sudbury
CO10 9HZ

Applicant:

Mr Harry Brown
C/o Agent

Date Application Received: 13-Sep-23

Application Reference: DC/23/04294

Date Registered: 16-Oct-23

Proposal & Location of Development:

Full Planning Application - Erection of 1no. dwelling (following demolition of 3 no. existing barns)

Barns At Frogg Hall Farm, The Street, Aldham, Ipswich Suffolk IP7 6NH

Section A – Plans & Documents:

This decision refers to drawing no./entitled OS Map at 1:2500 received 19/09/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Application Form - Received 13/09/2023
Defined Red Line Plan OS Map at 1:2500 - Received 19/09/2023
Topographic Survey 23/91/01 - Received 13/09/2023
Block Plan - Proposed 23/91/02 - Colour - Received 13/09/2023
Block Plan - Proposed 23/91/02 - B_W - Received 13/09/2023
Site Plan 23/91/03 - Received 13/09/2023
Proposed Plans and Elevations 23/91/04 - Colour - Received 13/09/2023
Floor Plan - Existing 23/91/05 - Received 13/09/2023
Elevations - Existing 23/91/06 - Received 13/09/2023
Elevations - Existing 23/91/07 - Received 13/09/2023
Roof Plan - Existing 23/91/07 - Received 13/09/2023
Sectional Drawing Existing and Proposed 23/91/08 - Received 13/09/2023

Materials Schedule - Received 13/09/2023
Land Contamination Assessment - Received 13/09/2023
Design and Access Statement - Received 13/09/2023
Photograph - Received 13/09/2023
Ecological Survey/Report - Received 16/10/2023
Land Contamination Questionnaire - Received 13/09/2023

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 TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

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

3. ACTION REQUIRED PRIOR TO FIRST USE - PARKING AND MANOEUVRING

The use shall not commence until the area(s) within the site shown on drawing number 23/91/02 - Colour for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - EV CHARGING

Prior to any works above slab level, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - CYCLE STORAGE

Before the development is commenced above slab level, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019.

6. ONGOING REQUIREMENT OF DEVELOPMENT - NOISE

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: To ensure that the amenities of future occupiers are protected.

7. SPECIFIC RESTRICTION ON DEVELOPMENT - HOURS OF OPERATION

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

Reason: to minimise detriment to nearby residential amenity.

8. SPECIFIC RESTRICTION ON DEVELOPMENT - BURNING

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

Reason: to minimise detriment to nearby residential amenity.

9. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Liz Lord Ecology, October 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

10. ACTION REQUIRED PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENTS AND NET GAIN

No works shall commence above slab level until a written scheme of proposed Biodiversity enhancement and net gain measures (demonstrating at least 10% Biodiversity net gain) have been submitted to and have been agreed, in writing by, the Local Planning Authority. The agreed Biodiversity enhancement and net gain measures shall then be fully implemented in accordance with the approved details and approved timetable for implementation and shall be retained thereafter.

In the interest of protecting and enhancing biodiversity on site in accordance with Joint Local Plan policies SP09 and LP16, and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

11. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to occupation, a "lighting design strategy for biodiversity" in accordance with GN: 08/23 (ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

12. 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 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) shall be carried out; and - 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.

13. ACTION REQUIRED PRIOR TO COMMENCEMENT: DEMOLITION PRIOR TO CONSTRUCTION

No other building or engineering operations authorised by this permission shall be commenced until the existing barns on the site as shown outlined on drawing number 23/91/03 have been demolished in their entirety, and all materials resulting therefrom have been cleared from the site in their entirety.

Reason: As this is the basis upon which the development has been considered acceptable and in order to ensure that there is not an overdevelopment of the site.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
SP03 - The sustainable location of new development
LP04 - Replacement Dwellings and Conversions
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP21 - Agricultural Land to Residential Garden Land
LP24 - Design and Residential Amenity
+ Policies of the Aldham Neighbourhood Plan

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. **Land Contamination**

Environmental Health at the District Councils should be contacted in the event of unexpected ground conditions / contamination being encountered during construction. The developer should be aware that the responsibility for the safe development of the site lies with them at all times.

3. **Highways Note**

2 covered and secure cycle storage spaces must be provided per class C3 dwelling in accordance with Suffolk Guidance for Parking 2019, In the interests of sustainable travel provision. Should cycle storage be proposed within a garage, it must meet the internal dimensions set out within Suffolk Guidance For parking 3m x 7m.

Ducting and a suitable consumer unit to allow for the installation of one wall charging unit should be provided per class C3 dwelling, in the interests of sustainable travel provision. As per Suffolk Guidance for Parking 2019, a minimum charge specification of 7.4kw is required for any proposed electric vehicle charging unit.

The access considerations for this proposal were broadly covered within DC/22/03636 and do not require comment within this application.

Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>
or:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

4. **Protected Species Note**

The developer is hereby reminded of their obligations under the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended) in the carrying out of the development hereby approved.

5. **Lead Local Flood Authority Note**

o Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991

o Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

o Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be subject to payment of a surface water developer contribution

o Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991

o Any works to a main river may require an environmental permit.

6. **Environmental Protection Note**

The developer's attention is drawn to the requirements of the updated Government General Binding Rules for small sewage discharge which must be met General binding rules: small sewage discharge to a surface water - GOV.UK (www.gov.uk) .

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/23/04294

Signed: Philip Isbell

Dated: 11th December 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.