

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

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Website: www.babergh.gov.uk



LISTED BUILDING CONSENT

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1992

Correspondence Address:

Julia Cameron
2 Balkerne House, Balkerne Passage,
Colchester
CO1 1PA

Applicant:

Mr & Mrs Kitching
St Martins, Gaston Street
East Bergholt
CO7 6SD

Date Application Received: 13-Jul-22

Application Reference: DC/22/03530

Date Registered: 15-Jul-22

Proposal & Location of Development:

Application for Listed Building Consent - Erection of single storey rear extension (following demolition of conservatory); Erection of two storey side extension (following demolition of existing); Erection of single storey extension to laundry house/outbuilding (following demolition of single storey extension). Internal and external alterations as per drawings and Design & Access Statement.

St Martins, Gaston Street, East Bergholt, Colchester Suffolk CO7 6SD

Section A – Plans & Documents:

This decision refers to drawing no./entitled A-2038-00 Location Plan received 13/07/2022 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:

Defined Red Line Plan A-2038-00 Location Plan - Received 13/07/2022

Existing Site Plan A-2038-00 A - Received 13/07/2022

Proposed Site Plan A-2038-PL-00 C - Received 13/07/2022

Floor Plan - Existing A-2038-S-02 Ground & First - Received 13/07/2022

Elevations - Existing A-2038-S-03 - Received 13/07/2022

Floor Plan - Proposed A-2038-PL-01 G Ground - Received 13/07/2022

Floor Plan - Proposed A-2038-PL-02 F First - Received 13/07/2022

Elevations - Proposed A-2038-PL-03 E - Received 13/07/2022

Application Form - Received 13/07/2022

Design and Access Statement 2038-211123-D&ArevD Rev D - July 2022 - Received 13/07/2022

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **LISTED BUILDING CONSENT 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 works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 MATERIALS

No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours/finishes and manufacturers literature 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.

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.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF EAVES AND VERGES

Prior to the commencement of works above slab level, detailed section drawings through the eaves and verges of the extension and building at large-scale 1:20, shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of the character, integrity and preservation of the building a designated heritage assets. This condition is required to be agreed prior to the commencement of such works to ensure matters of historic interest are considered and approved early to avoid damage or lost. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to such assets.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF RAINWATER GOODS TO BE USED

Prior to installation of new rainwater goods (including gutters, downpipes, hopperheads and soil pipes) , manufacturer's details of proposed rainwater goods to include material, colour, finish and profile shall be submitted to and approved by the Local Planning Authority. These shall be thereafter retained as installed.

Reason - In the interests of the character, integrity and preservation of the building (s).

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: FENESTRATION

Prior to the installation of windows, glazed panels and doors, detailed large-scale elevation and section drawings of windows, doors and glazed panels to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

Reason - In the interests of the character, integrity and preservation of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF.

(Note: The large scale drawings should be of appropriate scale to clearly show the detailing of the fenestration and you are advised to discuss these with the Local Planning Authority in advance).

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF ROOFLIGHTS DETAILS

Prior to the installation of new rooflights, precise details of any proposed works, including confirmation of total upstand height, detailed elevation and section drawings through all the rooflight proposed, at 1:10 and 1:2 respectively, and/or manufacturer's literature, as appropriate, and confirmation of joinery finish, shall be submitted to and approved in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

Reason - In the interests of the character, integrity and preservation of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF.

(Note: The large scale drawings should be of appropriate scale to clearly show the detailing of the fenestration and you are advised to discuss these with the Local Planning Authority in advance.)

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF REPAIRS TO THE WASHHOUSE

Prior to the commencement of any works to the washhouse, a detailed schedule of works for repairs, that includes annotated photographs, methodology and materials specifications

with precise details of all structural and other repairs to be undertaken to the washhouse building/s shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented in their entirety as approved.

Reason - In the interests of the character, integrity and preservation of the building/s. This condition is required to be agreed prior to the commencement of such works to ensure matters of historic interest are considered and approved early to avoid damage or loss. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to such assets.

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF DETAILS OF BRICK TO BE USED

Prior to installation of new bricks for repairs or for the construction of the new extension, details of proposed bricks, lime mortar, render and plaster to be used in these works, to include manufacturer's literature or as appropriate with precise details of types, colours and mortar/render/plaster mix to be used, shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in their entirety as approved.

Reason - To secure an orderly and well-designed development 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 IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF NEW PEDESTRIAN GATE

Prior to the installation of the new pedestrian gate, details of the proposed gate with section and detailed large scale (1:5, 1:10 or 1:20 scale) drawings of the pedestrian gate to be installed/manufacturer's literature as appropriate, to include details of materials and finish colours

shall be submitted to and approved in writing, by the Local Planning Authority and shall be implemented and completed as approved.

Reason - In the interests of the character, integrity and preservation of the building.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

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

CS15 - Implementing Sustainable Development

CN01 - Design Standards

CR02 - AONB Landscape

CN06 - Listed Buildings - Alteration/Ext/COU

CN08 - Development in/near conservation areas

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. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. **Building Control Note**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

3. **Condition Precedent Note**

This permission / consent includes a condition precedent. Your development is potentially at risk of enforcement if you do not comply with the terms of any condition which requires you to do something before you commence development / start work. Development which is commenced in breach of a condition is normally unlawful and may not constitute a valid implementation of the permission. We strongly advise you to allow reasonable time for the preparation, and consideration of, any conditional matters before the time limit on this applications expires.

4. **Listed Building Note**

This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

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/22/03530

Signed: Philip Isbell

Dated: 31st August 2022

**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.