

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

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:

Mr Simon Burke
Simon Burke Design
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East Bergholt
Colchester
CO7 6QT

Applicant:

Ms V Howard
The Cottage School Street
Stoke By Nayland
Suffolk
CO6 4QT

Date Application Received: 06-Mar-23

Application Reference: DC/23/01101

Date Registered: 07-Mar-23

Proposal & Location of Development:

Application for Listed Building Consent. Minor changes to listed building consent ref: for extensions, alterations and replacement wall as per Schedule of Works.

The Cottage, School Street, Stoke By Nayland, CO6 4QT

Section A – Plans & Documents:

This decision refers to drawing no./entitled 0122. 30 Site Location Plan received 06/03/2023 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:

Elevations - Proposed 0122. 26A House Extension - Received 06/03/2023
Proposed Plans and Elevations Ground, First, Second & Roof 0122. 28A - Received 06/03/2023
Proposed Site Plan 0122. 29 - Received 06/03/2023
Defined Red Line Plan 0122. 30 Site Location Plan - Received 06/03/2023
Proposed Plans and Elevations 0122. 32 New Studio Outbuilding - Received 06/03/2023
Fenestration Drawing Replacement & New Window Details 0122. 33A - Received 06/03/2023
Sectional Drawing External Wall Junction Details 0122. 34B - Received 06/03/2023
Sectional Drawing Wall Junction & Roof Verge Details 0122. 35B - Received 06/03/2023
General Details Standard Timber Frame Repair Details SV787-10 - Received 06/03/2023
Application Form - Received 06/03/2023
Warmcote - USAGE DATA SHEET by Best of Lime - Received 10/03/2023

Limecote - USAGE DATA SHEET by Best of Lime - Received 10/03/2023
Addendum Design, Access, Heritage and Schedule of Work Statement - February 2023 by Simon Burke Design - Received 10/03/2023
Steico duo dry - Combined insulated sheathing and render board Product Data Sheet - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site Private Garden Views - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site School Street View 1 - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site School Street View 2 - Received 10/03/2023
3D/Axonometric Drawings Photo Realistic Visualisations of Proposed Schemes & Site School Street View 3 - Received 10/03/2023

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:
REQUIREMENT FOR APPROVAL OF TIMBER FRAME WORKS**

Following the removal of the render and before any work is commenced for repairs to the structural timber frame, a schedule of such repairs including annotated photographs, methodology and materials specification shall be submitted to and approved, in writing, by the LPA. The schedule shall include details of the specification and methodology of

repairs. The repairs shall thereafter be implemented wholly and solely in accordance with the approved schedule.

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

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
REQUIREMENT FOR APPROVAL OF TIMBER FRAME WORKS

Following the removal of the existing roof tiles; any works to remove, alter, replace or supplement sections of the existing timber frame a detailed schedule of works of any works to the timber frame, including annotated photographs, methodology and materials specification shall be submitted to and approved, in writing, by the LPA. The schedule shall include details of the specification and methodology of repairs. The repairs shall thereafter be implemented wholly and solely in accordance with the approved schedule.

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

5. SPECIFIC RESTRICTION ON DEVELOPMENT: RAINWATER GOODS TO BE USED

Prior to installation of rainwater goods (including gutters, downpipes, hopperheads and soil pipes) manufacturers literature of rainwater goods shall be submitted to and approved, in writing, by the LPA. . These shall be thereafter retained as installed.

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

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
REQUIREMENT FOR APPROVAL OF WORKS TO BRICKWORK

Prior to any brickwork cleaning or repairs, a detailed schedule of works including methodology of brickwork cleaning and any subsequent brickwork repairs shall be submitted to and approved, in writing, by the LPA. The works shall thereafter be implemented wholly and solely in accordance with the approved schedule.

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

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT
OF SAMPLE MATERIALS PANEL - BRICKWORK OF BOUNDARY WALL

Prior to commencement of re-construction works to the boundary wall above ground level and construction of the new buttresses, a sample panel of brickwork, no less than 1 metre square, including coping and details of any piers and buttresses, shall have been constructed on-site and opportunity given to inspect the brickwork has been afforded to the local planning authority. Context and detail photographs of the sample panel are to be provided to the Local Planning Authority
, and following approval of appropriate panel, works to match the approved panel. The sample brickwork must be approved in writing by the Local Planning Authority.

Note: The Local Planning Authority requires 14 days written notice of materials being provided on site. If provision on site is not possible, please contact the Local Planning Authority to organise an alternative location.

Reason - In the interests of the character, integrity and preservation of the curtilage listed wall.

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
REQUIREMENT FOR INSPECTION

Prior to removal of internal wall finishes, annotated photographs of the interior of the building showing existing materials to be removed and the extent of removal, to allow assessment as to the appropriateness of new finishes.

Reason - In the interests of the character, integrity and preservation of the building. This condition is required to be agreed prior to the commencement of works to the building to ensure the internal finish does not damage or has an adverse impact on the historic character and value of the building. If agreement was sought at any later stage there is an unacceptable risk of damage that would be possible to undo without significant cost.

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF
FIREPLACE/S

Prior to the commencement of any works to the fireplace/s, annotated photographs of fireplaces showing materials and extent to be removed 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.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF
FIREPLACE/S

Following opening up of any of the fireplace/s detailed large scale drawings of the fireplace/s and its surround/s including materials specification 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.

11. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF
INSTALLATION OF MECHANICAL VENTILATION

Prior to installation of mechanical ventilation, manufacturers literature of the mechanical ventilation, including annotated photographs showing their position to the interior and exterior 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 lost. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to such assets.

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

Prior to installation of rooflights, manufacturers literature of rooflights 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.

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

Prior to the installation of windows and doors, detailed large appropriately scale drawings which shall include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, and doors and their surrounds 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.)

14. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: REQUIREMENT FOR APPROVAL OF TIMBER FRAME WORKS

Following the removal of plaster or floorboards, and before any work is commenced for repairs to the structural timber frame, a schedule of such repairs including annotated photographs, methodology and materials specification shall be submitted to and approved, in writing, by the LPA. The schedule shall include details of the specification and methodology of repairs. The repairs shall thereafter be implemented wholly and solely in accordance with the approved schedule.

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

15. SPECIFIC RESTRICTION ON DEVELOPMENT: AVOIDANCE OF CUMULATIVE PERMISSIONS

This permission shall be operated only as an alternative to and not at the same time as listed building consent DC/21/04300

Reason - In order to avoid cumulative development that would be detrimental to amenity (in this case significance of heritage asset) and contrary to policy CN06.

16. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: REPAIRS TO THE LISTED BUILDING KNOWN AS THE COTTAGE

Prior to the first occupation of any rooms within the proposed extension, the repairs to the main building shall be completed in all respects in line with the approved plans and

documents, and shall be retained as such. Any alterations to these details shall be submitted and agreed in writing by the local planning authority.

Reason - In the interests of the character, integrity and preservation of the listed building to ensure the continuation of its optimal viable use as a dwelling, and in the interests of securing public benefit of conserving the listed buildings significance and for continuation and enhancement of its positive visual amenity contribution having substantial street frontage within the Stoke by Nayland Conservation Area in accordance with the NPPF.

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
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
SP10 - Climate Change
SP09 - Enhancement and Management of the Environment
LP16 - Biodiversity & Geodiversity
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport

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/23/01101

Signed: Philip Isbell

Dated: 5th May 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.

Babergh District Council

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