

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION

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

Correspondence Address:

Artisan PPS Ltd
Berwick House
Homechurch
Baylham
Suffolk
IP6 8RF

Applicant:

Goldstar Transport Ltd
C/O Agent

Date Application Received: 21-Feb-20

Application Reference: DC/20/00779

Date Registered: 24-Feb-20

Proposal & Location of Development:

Full Planning Application - Use of land for the storage and distribution of containers including lighting, hard surfacing and landscaping

Goldstar Transport, Elmswell Road, Woolpit, IP30 9RH

Section A – Plans & Documents:

This decision refers to drawing no./entitled 3513-05B received 21/02/2020 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:

Proposed Landscaping Plan LSDP 1013.02 Rev A - Received 02/07/2020

Defined Red Line Plan 3513-05B - Received 21/02/2020

Topographic Survey 3513-06A - Received 21/02/2020

Proposed Site Plan 3513-08A - Received 21/02/2020

Tree Survey Plan LSDP 1013.01 - Received 21/02/2020

Lighting Assessment - Received 21/02/2020

3513 - 08A Scheme Design

LS1013-03 -Proposed Footpath Drawing

Ecological Survey Report (MHE Consulting Ltd, February 2020)

Technical Note - Great crested newt survey results (MHE Consulting Ltd May 2020)

Sharps Redmore report ref: 1616187 Dated 1 April 2019

Flood Risk Assessment (FRA) (dated March 2020, ref: 064/2016/FRADS P2)

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 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 IN ACCORDANCE WITH ECOLOGICAL APPRAISAL
RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey Report (MHE Consulting Ltd, February 2020) and the Technical Note - Great crested newt survey results (MHE Consulting Ltd May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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 LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR
GREAT CRESTED NEWTS

The following works shall not in in any circumstances 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 (as amended) authorising the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body and/or the Local Planning Authority 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 LPA to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

5. PRIOR TO COMMENCEMENT: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority Species/Habitats shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Survey Report (MHE Consulting Ltd, February 2020) and the Technical Note - Great crested newt survey results (MHE Consulting Ltd May 2020). The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented 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 LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

6. ON GOING REQUIREMENT OF DEVELOPMENT: NOISE MITIGATION

The site operator shall orientate the containers approximately east-west at all times, and maintain a stack of containers (min 1 to a max of 4 containers high) around the site perimeter to act as a sound barrier to both stacker vehicle engine noise, and from the higher maximum level sounds generated by containers immediately as they are lifted off, or placed on the HGV trailer

Reason - To protect the amenities of the occupiers of neighbouring property.

7. ONGOING REQUIREMENT: THE SITE OPERATOR SHALL ENSURE THAT:-

- a) Lifting-off, and placing-on of containers from HGV trailers takes place in an area with container, or other structures providing screening between this task and residential receptor locations.
- b) All stacker vehicles and any other vehicle serving the additional container storage area hereby approved shall be fitted with a broadband reversing alarm and not other form of reversing alarm is used.
- c) There shall be a no horn policy within the proposed container storage area during any night-time operations the details of which, including timings, shall be approved in writing by the Local Planning Authority and carried out as may be agreed. .

Reason- To protect the existing residential amenity

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SURFACE WATER DRAINAGE DETAILS

The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated March 2020, ref: 064/2016/FRADS P2 shall be implemented as hereby accepted by the local planning authority. The strategy shall thereafter be managed and maintained in exact accordance with the approved strategy.

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. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SUSTAINABLE DRAINAGE SYSTEM

Within 28 days of completion of the development, details of all Sustainable 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 that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

10. PRIOR TO COMMENCEMENT CONDITION: CONSTRUCTION SURFACE WATER MANAGEMENT PLAN (CSWMP)

No development shall commence 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 (including demolition and site clearance operations) 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 and 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 or groundwater

Informative

- 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 is 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

11. ACTION REQUIRED ADDITIONAL DETAILS

Before the development is first used, details of the access, footway and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

12. PRIOR TO COMMENCEMENT CONDITION: CONSTRUCTION MANAGEMENT PLAN

Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- o haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- o provision of boundary hoarding and lighting
- o details of proposed means of dust suppression
- o details of measures to prevent mud from vehicles leaving the site during construction
- o details of deliveries times to the site during construction phase
- o details of provision to ensure pedestrian and cycle safety
- o programme of works (including measures for traffic management and operating hours)
- o parking and turning for vehicles of site personnel, operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

13. SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved container storage site; shall be used only for storage and distribution of containers (B8) and for no other purpose including any other purpose in Class I - (industrial and general business conversions) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

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

14. SPECIFIC RESTRICTION OF DEVELOPMENT: RESTRICTION ON HEIGHT OF CONTAINER STACK

Containers within the hereby approved site (Standard containers are generally 8-foot (2.44 m) wide by 8 ft 6 in (2.59 m) high), shall not be stacked or stored to a height exceeding 12 metres at any time within the site

Reason - The external storage of these items over the stated height would be harmful to the local amenity, character, and appearance of the area.

15. PROVISION OF FOOTPATH CONNECTION

Prior to any part of the approved container storage deck hereby permitted coming into use, an unlit footpath with a width of no less than 1.5m wide shall be constructed to the satisfaction of Suffolk County Council as local highway authority and be available for use, in the location/s shown on drawing number LSDP 1013-03.

Reason - To ensure that the site is easily accessible by foot to and from nearby settlement of Woolpit in order to secure modal shift in terms of journeys to work. The inclusion by the applicant of this footway as part of their proposal has been taken into account when evaluating the sustainability of the overall proposal.

16. SPECIFIC RESTRICTION ON DEVELOPMENT: LIGHTING

Notwithstanding details submitted, prior to the first use of the site a scheme for external lighting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme shall be installed and be operational prior to first occupation of the development. The scheme shall be retained for the life of the development and no other lighting shall be erected without approval of the LPA in the form of a planning application.

Reason: In the interest of safeguarding the general amenity of the locality, entrance to the village, ecology and to prevent light pollution as a whole.

17. ON GOING REQUIREMENT OF DEVELOPMENT: HOURS OF OPERATION RESTRICTION

There shall be no operation of stacking of containers on top of each other on site at any time between the hours of 12:00(midnight) and 6am each day on the hereby approved site.

Reason: In the interest of safeguarding the general amenity of the locality and avoidance of unexpected and significant noise likely to cause disturbance during unsocial hours. (Note: It is recognised this condition does not affect similar operation that may operate on the existing site).

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
T09 - Parking Standards
T10 - Highway Considerations in Development
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
E06 - Retention of use within existing industrial/commercial areas
E08 - Extensions to industrial and commercial premises

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

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

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

This relates to document reference: DC/20/00779

Signed: Philip Isbell

Dated: 29th January 2021

**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.