

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

Correspondence Address:

Mr James Platt
Locus Planning Ltd
Victoria Cottage
Heath Road
East Bergholt
Colchester
CO7 6RL

Applicant:

HLD Developments Ltd
Old Hall Green Farm Barn
Old Hall Lane
Cockfield
Bury St. Edmunds
Suffolk
IP30 0LQ

Date Application Received: 15-Dec-23

Application Reference: DC/23/05800

Date Registered: 16-Dec-23

Proposal & Location of Development:

Application under Section 73 of The Town and Country Planning Act 1990 for DC/23/04344 (Erection of 2no dwellings following removal of existing building) for the variation of Conditions 2 (Approved plans & documents), 12 (Provision of Access) and 23 (Agreement of Construction Management Plan)

The Pine House Company, Ixworth Road, Stowlangtoft, IP31 3JS

Section A – Plans & Documents:

This decision refers to drawing no./entitled 4036SL01 received 15/09/2023 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:

Construction Method Statement 4036 DC01 - Received 15/12/2023
Highway Access Plan 317-2023-010-P1 visibility assessment - Received 15/12/2023
Site Plan DC02_8448962 - Received 27/03/2024
317_2023_401_P1 Private Hardstanding - Received 27/03/2024
Land Contamination Assessment NPL 104909 - Received 27/03/2024
Defined Red Line Plan 4036 SL01 - Received 15/09/2023
Noise Impact Assessment IEC/4585/01/AVH - Received 27/03/2024
Ecological Survey/Report Riverdale Ecology - Received 27/03/2024

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 SECTION 73 TIME LIMIT

The development hereby permitted must be begun not later than the expiration of 9th November 2026.

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. COMPLIANCE REQUIRED: MATERIALS TO BE USED AS AGREED

The external facing and roofing materials utilised within the construction of the dwellings hereby approved shall be those as approved under reference DC/23/05867 which for the avoidance of doubt are shown on SITE PLAN 4036 DC02 received on 21st December 2023 or in accordance with such alternative external facing and roofing materials as may be submitted to and approved in writing by the Local Planning Authority.

Reason: In order 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. COMPLIANCE REQUIRED: BOUNDARY TREATMENTS AS AGREED

The screen walls, fences and hedges utilised within the construction of the dwellings hereby approved shall be those as approved under reference DC/23/05867 which for the avoidance of doubt are shown on SITE PLAN 4036 DC02 received on 21st December 2023 or in accordance with such alternative screen walls, fences and hedges as may be submitted to and approved in writing by the Local Planning authority.

Reason: In order 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.

5. The proposed remediation works shall be carried out in accordance with the NPL Remediation Method Statement ref 104909 unless otherwise agreed in writing by the Local Planning Authority.

No development other than the demolition and clearance of the site and the erection of the garages/bat loft hereby approved shall take place until evidence has been submitted to and agreed by the Local Planning Authority that verifies the removal of the underground storage tanks and the carrying out of the associated remediation works.

Prior to the first occupation of the development hereby approved, a Validation Report concerning the wider remediation of the site shall be submitted to and agreed by the Local Planning Authority.

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.

6. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and compensation measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Riverdale Ecology, September 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will 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 and enhance 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).

7. COMPLIANCE REQUIRED: BAT MITIGATION LICENCE

The development hereby approved shall be undertaken in accordance with the submitted bat licence considered and approved under reference DC/24/00590.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

8. COMPLIANCE REQUIRED: BIODIVERSITY ENHANCEMENT

The development shall be undertaken in accordance with the details as shown the Biodiversity Enhancement Strategy received on 27th March 2024 or in accordance with such alternative details as may be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

9. ACTION REQUIRED PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to the first occupation of the dwellings hereby approved, a lighting design scheme for biodiversity as recommended in the Bat Survey Report (Riverdale Ecology, September 2023) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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)

10. ACTION REQUIRED PRIOR TO RESIDENTIAL USE OF ACCESSES: VISIBILITY SPLAYS

Before the accesses serving the dwellings hereby approved are first used for residential purposes, clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access points (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the accesses (Y dimension) to the nearside edge of the metalled carriageway.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

11. ACTION REQUIRED PRIOR TO RESIDENTIAL USE OF ACCESSES: PEDESTRIAN VISIBILITY SPLAYS

Before the accesses serving the dwellings hereby approved are first used for residential purposes, pedestrian visibility splays shall be provided within 2 metre by 2 metre triangular areas on both sides of each access, in accordance with Suffolk County Council's standard access drawing DM03. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

The visibility splays shall thereafter be retained.

Reason: For the safety of people using the highway by enabling drivers of vehicles entering the highway to see and give way to pedestrians and for pedestrians to have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

12. ACTION REQUIRED IN PRIOR TO FIRST OCCUPATION: ACCESS TO BE PROVIDED

Prior to first occupation of the development hereby permitted the existing vehicular accesses shall be improved, laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM03; and with entrance widths of 3 metres for a distance of 5 metres measured from the nearside edge of the carriageway and made available for use. Thereafter the accesses shall be retained in their specified form.

Reason: To ensure that the layout of the existing accesses are improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway.

13. COMPLIANCE REQUIRED: ACCESS GRADIENT OVER FIRST 5 METRES

The gradient of the vehicular accesses shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

14. COMPLIANCE REQUIRED: DRIVEWAY GRADIENT

The gradient of the access driveways shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

15. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: BOUND SURFACE MATERIAL TO ACCESSES

Prior to the development hereby permitted being first occupied, the vehicular accesses onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

16. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: FOOTWAY PROVISION

Before the development is first occupied, the footway fronting the site shall be reconstructed in accordance with details that previously shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in its approved form.

Reason: For pedestrian amenity and to provide a safe, and attractive public realm capable of being used by all at an appropriate time.

17. ACTION REQUIRED PRIOR TO OCCUPATION: PARKING PROVISIONS TO BE PROVIDED AS SHOWN

The residential use of the dwellings hereby approved shall not commence until the area(s) within the site shown in Drawing No. SL01 Rev. A 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 purposes.

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.

18. COMPLIANCE REQUIRED: DETAILS OF EVCP AND CYCLE PARKING

Details of secure, lit and covered cycle storage; and electric vehicle charging infrastructure within the development hereby approved shall be as approved under reference DC/23/05867 which for the avoidance of doubt are shown on SITE PLAN 4036 DC02 received on 21st December 2023 or in accordance with such alternative details which may 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).

19. COMPLIANCE REQUIRED: SURFACE WATER DRAINAGE TO ACCESS

Highways drainage shall be implemented in accordance with the details approved under reference DC/24/00590 and shown on submitted drawing 317/2023/401 Rev P1 received on 6th February 2024 or in accordance with such alternative details as may be submitted to and approved in writing by the Local Planning Authority.

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

20. COMPLIANCE REQUIRED: PROVISION OF REFUSE AND RECYCLING BINS

Details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be those as approved under reference DC/23/05867

which for the avoidance of doubt are shown on SITE PLAN 4036 DC02 received on 21st December 2023 or in accordance with such alternative presentation and storage details hedges as may be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and accesses to avoid causing obstruction and dangers for the public using the highway.

21. COMPLIANCE REQUIRED: NOISE ASSESSMENT

Construction of the dwellings hereby approved shall be undertaken in accordance with the details of the Noise Assessment Report received on 27th March 2024 or in accordance with such other alternative noise assessment which may be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the future occupiers of noise sensitive dwellings from adverse impacts of road traffic noise.

22. ACTION REQUIRED PRIOR TO OCCUPATION: CONFIRMATION OF NOISE INSULATION

Prior to the occupation of any dwelling that is the subject of this approval the developer shall have first submitted a 'Post-Completion Noise Inspection to the lpa for approval. No dwelling shall be occupied until such tests have been undertaken, the result submitted in writing to and formally agreed by the Local Planning Authority.

The Post-Completion Noise Inspections shall comprise

1) Results to demonstrate that measured noise levels in external amenity (garden) areas to meet the World Health Organisation recommendations daytime and night-time periods and that they do not exceed 55 dB LAeq,T.

2) Evidenced results to demonstrate that internal noise levels or daytime and night time meet the requirements of British Standard 8233

In the event that the submitted information fails to satisfy the Local Planning Authority that the predicted noise reduction levels have been achieved on either of the properties, then the restriction on any occupation/s continues to apply until such time as the developer has been able to agree and install additional mitigation measures that has first been agreed in writing with the Local Planning Authority.

In the event that the information submitted to the Local Planning Authority in respect of the post completion noise tests is satisfactory and has been agreed in writing then the restriction on any occupations is lifted.

Reason: The Council requires to ensure that the occupiers of this new development are not subjected to unacceptable road noise intrusion in the interest of safeguarding residential amenity and public health

23. COMPLIANCE REQUIRED: CONSTRUCTION MANAGEMENT TO BE UNDERTAKEN AS AGREED

Construction of the development hereby permitted shall not be carried out other than in accordance with the submitted Construction Management Plan (Drawing No. DC01) or in

accordance with such other plan as may be submitted to and agreed in writing with the Local Planning Authority.

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.

24. COMPLIANCE REQUIRED: NO BURNING ON SITE

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.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
SP01 - Housing Needs
SP03 - The sustainable location of new development
LP01 - Windfall infill housing development outside settlement boundaries
LP04 - Replacement Dwellings and Conversions
LP10 - Change from Employment Uses
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP29 - Safe, Sustainable and Active Transport

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.

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/23/05800

Signed: Philip Isbell

Dated: 27th March 2024

**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.