

Philip Isbell - Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



PLANNING PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990

Correspondence Address:

Whymark Moulton Ltd
14 Cornard Road
Sudbury
CO10 2XA

Applicant:

Stemar Group Ltd
C/O Agent
14 Cornard Road
Sudbury
CO10 2XA

Date Application Received: 08-Feb-21

Application Reference: DC/21/00745

Date Registered: 19-Feb-21

Proposal & Location of Development:

Application under Section 73 of the Town and Country Planning Act - Variation of Condition 2 (Approved Documents) of planning permission B/14/01103/FUL dated 13/02/2015 - Erection of 6 no. two-storey dwellings, following demolition of existing commercial buildings and hard standing, and construction of private access driveway (scheme to utilise existing vehicular access to public highway). To allow alterations to Plots 5 and 6.

The Slaughterhouse And Land Adjacent, Cuckoo Hill, Bures St Mary, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 20/256-01 received 01/02/2021 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:

20/256-04 Plot 6 Elevations - Existing - Received 01/02/2021
20/256-01 Rev.D Site Location Plan - Received 01/02/2021
20/256-02 Rev.C Street Scene - Proposed - Received 01/02/2021
20/256-03 Plot 5 Elevations - Existing - Received 01/02/2021
20/256-05 Rev. C Plot 5 Elevations - Proposed - Received 01/02/2021
20/256-06 Rev. C Plot 6 Elevations - Proposed - Received 01/02/2021
20/256-07 Rev. B Comparison Elevations - Received 01/02/2021
20/256-08 Plot 5 As built parts to be demolished - Received 01/04/2021
20/256-09 Plot 6 As built parts to be demolished - Received 01/04/2021
20/256-10 Rev.B Drainage Details - Received 01/04/2021
20/256-11 Plot 6 Proposed Landscaping Plan - Received 01/07/2021

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. 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.

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

2. ACTION REQUIRED: ACCESS LAYOUT

The vehicular access to the site shall be laid out and completed in all respects in accordance with drawing number 3368:18 Rev G received 27th January 2015, and drawing ref. 20/256-01 Rev.D received 01/02/2021, and shall be made fully available for use prior to the first occupation of the dwelling hereby permitted. The access shall thereafter be retained and maintained in the specified form.

Reason - To ensure the access is provided to an appropriate specification and made available for use at an appropriate time, in the interests of highway safety and para 110 of the NPPF.

3. ACTION REQUIRED - ACCESS SURFACING

Within SIX weeks of the date of this planning permission and notwithstanding such detail as may have been submitted and/or previously approved, further details of the sub-base, construction profile and surface treatment of the access road from the point where it joins Cuckoo Hill and inclines into the development between the adjacent properties known as White Horse House and Pilgrims Garage shall be submitted to and approved by the local planning authority. Such detail as shall have been further approved shall be implemented in strict accordance with those approved details prior to the occupation of any dwelling/s hereby approved.

Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to the development site.

Reason - To secure appropriate improvements to the existing vehicular access to the site in the interests of highway safety and having regard to the increase in its use which will result from the development permitted and to prevent hazards caused by loose materials

being carried out into the highway, in accordance with the provisions of para 110 of the NPPF.

4. ACTION REQUIRED: FOUL AND SURFACE WATER DRAINAGE

Prior to any construction works commencing, or such other period as may be agreed in writing by the local planning authority, full foul and surface water drainage details shall be submitted to and approved in writing by the local planning authority. Such detail as shall have been so approved shall be implemented in strict accordance with the approved detail prior to the occupation of any dwelling/s hereby approved and shall thereafter be retained in the specified form. Furthermore, that submitted details shall include the connection of the existing land water drain to the property known as 'Eversley' into the proposed system serving the development hereby approved.

Reason - To prevent hazards caused by flowing water or ice on the highway in the interest of highways safety, in accordance with the provisions of para 110 of the NPPF.

5. ACTION REQUIRED: PARKING AND TURNING AREAS

Prior to the first occupation of the dwelling hereby permitted the areas shown on drawing number 3368:18 Rev G received 27th January 2015, and drawing ref. 20/256-01 Rev.D received 01/02/2021, for the purposes of manoeuvring and parking of vehicles shall be fully provided and thereafter those areas shall be fully retained and used for no other purpose.

Reason - To ensure that sufficient space for the on-site parking and turning of vehicles is provided and maintained where on-street parking and manoeuvring would be detrimental to highway safety in accordance with para 110 of the NPPF.

6. ACTION REQUIRED: PARKING SPACES

Two car parking / garaging spaces for the dwellings hereby permitted shall be made available for use prior to the first occupation of the dwellings and shall thereafter be retained for such purposes. Notwithstanding the provisions of Article 6, Schedule 2 of the Town and Country planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in a position such as to preclude vehicular access to those car parking spaces.

Reason - To ensure sufficient on-site parking is available where on-street parking would be detrimental to highway safety, in accordance with para 110 of the NPPF.

7. ACTION REQUIRED: LAND CONTAMINATION REMEDIATION

Prior to the occupation of the dwelling hereby permitted the following actions shall be carried out:

(1) A strategy for determining the acceptability of the site for the development as built shall be submitted for approval by the Local Planning Authority in addition to those reports submitted previously.

(2) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.

(3) A written report shall be submitted detailing the findings of the investigation referred to in (2) above and all previous reports at the site, and an assessment of the risk posed to receptors by the contamination (including ground gases, where appropriate) for approval by the Local Planning Authority. Subject to the risk assessment, the report shall include an updated Remediation Scheme if required.

(4) Any remediation work shall be carried out in accordance with the approved Remediation Scheme.

(5) Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.

Reason - To ensure the development is completed safely without unacceptable risks, in accordance with 183 of the NPPF.

8. LEGAL AGREEMENT: SCHEDULE OF WORKS AND TIMETABLE

The development hereby granted must be constructed in accordance with the terms of the associated Legal Agreement and all other conditions attached hereto. In particular, the development shall be undertaken in accordance with the Schedule of Works, and associated Timetable of Works, as appended to the Legal Agreement.

Reason - To ensure that all the requirements of the Legal Agreement and Conditions are strictly followed in the interest of protecting residential amenity of adjacent dwellings and minimising the impact of the development on adjacent heritage assets.

9. MONITORING: INSPECTION PROTOCOL

Works associated with implementation of the development hereby approved shall be undertaken in strict accordance with an 'Inspection Protocol' that shall, within 15 working days of the date of this permission, have been submitted to, and agreed in writing, by the local planning authority. That Protocol will amongst other things:

- identify the key stages of demolition and rebuild, including but not limited to a) ridge heights; b) eaves heights; c) roof pitches; and, d) window positions; and,

- make provision, having given not less than 10 working days notice, for an officer/s of the Council's Planning Enforcement Team to inspect those key stage works to ensure compliance with approved details.

Reason - To ensure the development progresses in accordance with the approved scheme, and enable the Local Planning Authority to confirm compliance for the benefit of neighbouring residential properties, nearby heritage assets, and the wider community.

10. MATERIALS: SUBMISSION OF DETAILS

Prior to any re-building/building work [to the exclusion of works of demolition] commencing further details of all external materials to be used, including, type, texture, composition, manufacturer, colour, bond including render type and colour, mortar type/colour shall be submitted to and approved in writing by the local planning authority. Such detail as shall have been approved shall be implemented in strict accordance with such an approval.

Reason - To ensure that the dwellings as constructed do not harm the character of the conservation area hereabouts and/or the setting or character of the adjacent listed building known as White Horse House.

11. WITHDRAWAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of Part 1, Class A to E, inclusive; Part 2, Class A, C and F; Part 14, Class A to I, inclusive; and, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any Order, Regulation or Act revoking or amending that Order, permitted development rights are hereby removed. For the avoidance of doubt this shall include a restriction on inserting, installing or otherwise placing any window, opening or other aperture [including skylights] in any part of any wall to the rear of the properties [including any part of the rear wing/gable] or any part of any roof slope to the rear of any dwelling/s on plots 5 and/or 6.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

12. ACTION REQUIRED: PROVISION OF OBSCURE GLAZING

Notwithstanding such detail as shall have been submitted or otherwise previously approved, the lower half of any windows to the rear of any dwelling/s and the full height of rear facing staircase windows hereby approved above ground level [including any window/s in any side wall/s of a rear gable/s or dormer/s] shall be permanently glazed with obscured glass equivalent to the maximum level on the Pilkington scale of obscuration [i.e. the most obscure]. Such glazing shall be permanently retained.

Reason - In the interest of safeguarding the amenity enjoyed by neighbouring properties in the form of overlooking.

13. SUBMISSION OF DETAILS: BOUNDARY TREATMENTS

Within SIX weeks of the date of this planning permission further details of all means of enclosure to any boundary [internal or external] shall be submitted to and approved in writing by the local planning authority. Such detail as shall have been approved shall be implemented in strict accordance with such an approval and all works shall be completed and constructed 'as approved' and inspected under the Inspection Protocol prior to the occupation of any dwelling/dwellings hereby approved. These details shall include those for the rebuilding of the boundary garden wall between the development and the adjacent property known as White Horse House and the making good of the rear house wall of White Horse House damaged and/or left in an unsightly condition during the earlier construction works.

Reason - In order to protect the amenity of neighbouring properties and the character and appearance of the area.

14. PRIOR TO OCCUPATION: AMENDMENT TO GARDEN LEVELS

The building/s hereby approved shall not be occupied until the 'as-built' rear garden levels to plot 6 have been adjusted to conform with the amended levels hereby approved on drawing reference 20/256-11, Plot 6 Proposed Landscaping Plan, received 01/07/2021.

Reason - To reduce the load on adjacent boundary wall/s, to reduce the potential for overlooking of the garden of White Horse House by occupiers of and visitors to the garden of plot 6, and in order to reduce the need for an excessively high boundary means of enclosure when measured from the garden of White Horse House.

15. SUBMISSION OF DETAILS: CONSTRUCTION MANAGEMENT PLAN

Notwithstanding what may have been previously agreed by condition in respect of the earlier planning permissions and in any event within 6 weeks of the date of this planning permission a further Construction Management Plan shall be submitted to and approved in writing by the local planning authority before any remaining works of demolition are undertaken and/or prior to commencement of any re-building works. Such detail as shall have been so agreed shall be implemented in accordance with the agreed Construction Management Plan. The Construction Management Plan shall include:

- o Detailed work programme that includes details of any land re-contouring works
- o Provisions to rebuild the adjacent boundary wall and make good the exposed end wall to White Horse House
- o Days and hours of working on site
- o Methodology for keeping adjoining residents informed of progress on a fortnightly basis
- o Materials storage provisions
- o Skip positions
- o Site lighting
- o Confirmation of no burning on site
- o Control over radio noise
- o Scaffolding arrangements
- o Dust suppression
- o Contractor parking arrangements
- o Reclamation activity
- o Site office and welfare arrangements

Reason - In order to safeguard the amenity of adjoining properties during the construction works and to minimise the risk of unsocial disturbance and/or nuisance where possible.

16. 16. SUBMISSION OF DETAILS: LANDSCAPING

Within SIX weeks of the date of this planning permission and notwithstanding such detail as shall have been submitted and/or otherwise approved hereby, further landscaping details shall be submitted to and approved in writing by the local planning authority. Such detail shall provide that no trees or tall growing shrubs shall be planted within 5m of any boundary with the property known as White Horse House. Such detail as shall have been agreed shall be implemented in strict accordance with the approved details within the first available planting season or occupation of any dwelling/s whichever is the sooner. Thereafter, no trees or tall growing shrubs shall be planted within this 5m cordon sanitaire.

Reason - To ensure that landscaping does not pose a risk to the structural integrity of boundary and/or retaining walls on the southern side of the site. It is for this reasons that trees and tall shrubs are to be avoided along this boundary in the interest of minimising any risk of root damage to those structures and/or White Horse House and other adjoining properties.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
HS28 - Infilling/Groups of dwellings
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS15 - Implementing Sustainable Development
NPPF - National Planning Policy Framework
NPPG- National Planning Policy Guidance
SPG - Bures St Mary Conservation Area Appraisal (November 2007)
CS11 - Rural Development and Core Strategy Policy CS11 SPD (August 2014);
SAPS - Suffolk Adopted Parking Standards (2015)

NOTES:

1. Section 106 Agreement Note

This planning permission has been granted having regard to a related Section 106 planning obligation. Reference should be made to that planning obligation in conjunction with this decision notice.

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/21/00745

Signed: Philip Isbell

Dated: 21st January 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.