

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

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

Correspondence Address:

KLH Architects Ltd
The Old Steelyard
Poplar Lane
Sproughton
Ipswich
IP8 3HL

Applicant:

Mrs Kathryn Blake
1 Hill House Cottages
Wades Lane
Shotley
Suffolk
IP9 1EW

Date Application Received: 15-Dec-22

Application Reference: DC/22/06207

Date Registered: 19-Dec-22

Proposal & Location of Development:

Householder Application - Erection of rear extension and internal changes to layout.

1 Hill House Cottages, Wades Lane, Shotley, Ipswich Suffolk IP9 1EW

Section A – Plans & Documents:

This decision refers to drawing no./entitled 5559-0100-P02 Site Location Plan received 15/12/2022 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 5559-0100-P02 Site Location Plan - Received 15/12/2022

Existing Site Plan 5559-0101-P01 - Received 15/12/2022

Elevations - Existing 5559-0300-P02 - Received 15/12/2022

Floor Plan - Existing 5559-0301-P01 - Received 15/12/2022

Proposed Site Plan 5559-0102-P04 - Received 04/05/2023

Floor Plan - Proposed 5559-0303-P10 - Received 04/05/2023

Elevations - Proposed 5559-0400-P10 - Received 04/05/2023

Application Form Certificate B - Received 15/12/2022

TCPA (DM Procedure) Order 2015 Notice Under Article 13 of Application for Planning Permission Completed Form Copy - Received 19/12/2022

Planning Officer & Agent Email Exchange Negotiation of Design Amendments - Received

04/05/2023

Bat Survey REP23010 dated March 2023 by Robson Ecology Ltd - Received 13/03/2023

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. 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 A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

Prior to works above slab level for construction of the rear/side extension precise details of the external facing and roofing materials to be used in construction with specification of the manufacturer and types and colours including literature have or photos of sample materials shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation of the extension.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the local area in regard to the site's prominent and isolated location set within the AONB landscape being widely visible at the Shotley peninsula headland.

4. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS ABOVE SLAB LEVEL - HIGHWAYS: PROVISION OF PARKING AND TURNING.

Prior to the commencement of works above slab level for the construction of the hereby approved extension, details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage provision shall 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 first use/occupied and shall be retained thereafter and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and used for no other purpose.

Reason - To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order 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 and PROW.

This condition is required to be implemented prior to the commencement of any other part of the approved development to ensure highway safety is secured early for the development. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety should proper layout not be achieved.

5. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures, namely the installation of bat roost boxes and Building-Mounted Sparrow Boxes upon the dwelling and extension and/or any other works shall be carried out in accordance with the details contained in the Preliminary Bat Roost Assessment (Robson Ecology Ltd, March 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

The works shall be implemented in accordance with the approved details prior to first use of the extension and shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species and habitats in the interests of delivery of net biodiversity gains onsite in accordance with NPPF paragraph 180 d), 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).

6. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):-
- no enlargement, improvement, insertion of new openings or other alteration of the replacement dwelling house and the retained existing outbuildings onsite shall be carried out,
- no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected at the site, except pursuant to the grant of planning permission on an application made in that regard.

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.

7. SPECIFIC RESTRICTION OF DEVELOPMENT: NO BURNING RESTRICTION

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 residential amenity and in the interests of enjoyment of the surrounding countryside.

8. ONGOING REQUIREMENT OF DEVELOPMENT: RESTRICTED CONSTRUCTION HOURS

Operations related to the construction (including site clearance and demolition phases) of the permitted development shall only operate between the hours of 08.00 and 18.00hrs Mondays to Fridays and between the hours of 09.00 and 13.00hrs on Saturday.

There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development site arranged for outside of these approved hours.

Reason: to minimise detriment to nearby residential amenity and in the interests of enjoyment of the tranquillity of the surrounding countryside for PROW users.

9. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: AGREEMENT OF LANDSCAPING ENHANCEMENT SCHEME

Prior to first occupation of the hereby approved extension, there shall be submitted to and approved in writing by the Local Planning Authority, a detailed scheme of hard, soft, and boundary treatment landscaping works for the site, which shall include a scheme of perimeter landscape planting along the site boundary fronting Wades Lane and adjacent with the public footpath route. For this perimeter planting the landscaping scheme required under this permission shall make provision for the planting of a substantial tree and/or hedge belt comprising species indigenous to Suffolk which shall be planted by a belt between 1-2 metres in depth to the southern boundary of the site excluding the north and eastern boundaries and any areas required to be unobstructed as visibility splays for safe vehicle access to/from the site.

The landscape scheme shall be submitted as a plan to a scale of 1/500 or 1/200, to show any proposed changes in ground levels as well as accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained with allocation of a reference number if the stem diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm. The landscaping scheme as may be approved shall be carried out in full within the next planting season or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish in the interests of visual amenity and the landscape character and quality of the AONB, and in accordance with the provisions of development plan policy CR07.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF RAINWATER GOODS DETAILS

Prior to the installation of rainwater goods (including gutters, downpipes, hopperheads and soil pipes), precise details of colour, finish, material and profile along with manufacture's literature to be used in construction of the extension shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation of the extension.

Reason - To secure an orderly and well-designed finish sympathetic to the character of a traditional styled building a potential non-designated heritage asset and in the interests of visual amenity and the character and appearance of the area.

11. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority prior to first use of the extension. 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 or in such other arrangement later agreed in writing with the Local Planning Authority. Under no circumstances should any other permanently fixed 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).

12. SPECIFIC RESTRICTION OF DEVELOPMENT : EXTERNAL ILLUMINATION RESTRICTION

There shall be no means of permanently fixed external illumination installed and/or operated on/at the site except pursuant to the prior grant of a planning permission on an application made in that regard.

Reason - In the interests of local wildlife, in particular bats known to frequent the locality and the rural character within the surrounding countryside, in order to for the local planning authority to retain control to prevent an excessive amount of external lighting being introduced onsite which would cause harmful impact to local biodiversity and night-time light pollution within the AONB.

13. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF DETAILS FOR THE EAVES AND VERGES

Before any works are commenced to the eaves and verges of the existing building/s, detailed section drawings through eaves and verge of the existing dwelling and the hereby approved extension and junctions with the existing outbuilding to be converted as well as the dwelling, at large scale 1:20 or as appropriate, shall be submitted and approved, in

writing, by the Local Planning Authority and shall be implemented and completed entirely as approved.

Reason - In the interests of the character, integrity and preservation of the building/s a potential non-designated heritage asset.

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.

14. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF FENESTRATION DETAILS FOR DWELLING, EXTENSION AND OUTBUILDING

Prior to installation of any new windows and doors for the hereby approved development, detailed elevation and section drawings through all new or replacement windows, rooflights/lanterns, glazed panels, and doors, at 1:10 and 1:2 respectively, and/or manufacturer's literature, to include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, as appropriate, and confirmation of joinery finish, shall be submitted to and approved in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

Reason - In the interests of the character, integrity and preservation of the building(s) a potential non-designated heritage asset. 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.)

15. SPECIFIC RESTRICTION ON DEVELOPMENT: AGREEMENT OF DETAILS FOR ARCHITECTURAL FLUE

Prior to the installation of the architectural metal flue, precise details to include manufacturer's literature with material, finish, colour and profile, as well as detailed large-scale elevation and section drawings of the flue to be installed shall be submitted to and approved in writing by the Local Planning Authority. The architectural flue shall be thereafter be installed and retained as agreed.

Reason - To secure an orderly and well-designed development sympathetic to the character and setting of the existing building(s) as well as 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.)

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

Prior to installation of mechanical ventilation within the interior or upon the exterior the original dwelling and existing outbuilding to be converted , 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.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS15 - Implementing Sustainable Development
CN01 - Design Standards
CR02 - AONB Landscape
CN06 - Listed Buildings - Alteration/Ext/COU
CR07 - Landscaping Schemes
CR08 - Hedgerows
TP15 - Parking Standards - New Development
EN22 - Light Pollution - Outdoor Lighting
HS33 - Extensions to Existing Dwellings
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP03 - Residential Extensions and Conversions
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP18 - Area of Outstanding Natural Beauty
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport
LP30 - Managing Infrastructure Provision

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. **Collapsed Building Note**

The onus is upon the owner and/or developer of the building to ensure that the scheme proposed is practicable and that adequate safeguards are taken before and during building works to provide adequate protection to the existing building. If a building, the subject of a scheme for its conversion collapses, whatever the case or in whatever circumstances, after planning permission has been granted for its conversion to alternative use, the Local Planning Authority will regard the planning permission granted as not capable of being implemented and, consequently, null and void.

4. **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.

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

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

This relates to document reference: DC/22/06207

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/appeal-householder-planning-decision>.

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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