

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

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OUTLINE PLANNING PERMISSION

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

Correspondence Address:

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Applicant:

The Executors Of Mr Eads Estate
C/o Agent

Date Application Received: 24-Mar-22

Application Reference: DC/22/01588

Date Registered: 31-Mar-22

Proposal & Location of Development:

Application for Outline Planning Permission (Access points to be considered, Appearance, Landscaping, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of 8No dwellings (following demolition of existing dwelling).

92 Barton Road, Thurston, Suffolk, IP31 3PG

Section A – Plans & Documents:

This decision refers to drawing no./entitled 4243-01A received 24/03/2022 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:

Topographic Survey 4243-03C - Received 01/04/2022
Defined Red Line Plan 4243-01A - Received 24/03/2022
Proposed Landscaping Plan LS1815-01-A - Received 24/03/2022

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE 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: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SUBMISSION OF GROUND FLOOR LEVELS WITH RESERVED MATTERS APPLICATION.

Concurrently with the submission of reserved matters in respect of siting and/or design for the development, details of the proposed finished ground floor level measured from a fixed off site datum point shall be submitted for approval, in writing, by the Local Planning Authority, and the development shall thereafter be constructed in accordance with the approved levels.

Reason - In order to secure a design in scale with development surrounding the site so as to protect the visual amenities, amenity of neighbouring properties and character of the area.

4. ACTION REQUIRED CONCURRENT WITH RESERVED MATTERS APPLICATION: HOUSING MIX TO BE AGREED

Concurrent with the submission of reserved matters a housing mix shall be submitted to and agreed in writing with the Local Planning Authority. Said mix shall be in accordance with the requirements of Neighbourhood Plan policy 2. Thereafter the agreed mix shall be delivered on site.

Reason: To ensure that the reserved matters accord with the requirements of Neighbourhood Plan policy 2.

5. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION MANAGEMENT PLAN

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- a) the parking of vehicles of site operatives and visitors;
- b) hours of deliveries and hours of work;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction; and
- g) a scheme for recycling/disposing of waste resulting from construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

6. ACTION REQUIRED PRIOR TO COMMENCEMENT: TREE PROTECTION TO BE ERECTED IN ACCORDANCE WITH APPROVED DETAILS

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing as shown on the approved drawings. All protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

7. COMPLIANCE REQUIRED: NO BURNING ON SITE DURING DEMOLITION OR CONSTRUCTION

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

8. ACTION REQUIRED PRIOR TO COMMENCEMENT: SCHEME OF SUSTAINABILITY MEASURES

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

9. ACTION REQUIRED PRIOR TO OCCUPATION: DELIVERY OF ACCESS

Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 4243-06 with an X dimension of 2.4 metres and a Y dimension of 90 and 215 metres to the nearside edge of the carriageway and thereafter retained in the specified form. 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.

10. COMPLIANCE REQUIRED: ACCESS TO BE LAID OUT IN ACCORDANCE WITH REQUIREMENTS

No other part of the development hereby permitted shall be commenced until the new vehicular accesses has been laid out and completed in all respects in accordance with Drawing No. 4243-06 with an entrance width of 4.5 metres for Accesses 2 and 3 and 3 metres for Access 1 for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

11. COMPLIANCE REQUIRED: BOUND MATERIAL TO ACCESS

Prior to the development hereby permitted being first occupied, the existing and new 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.

12. COMPLIANCE REQUIRED: GATES TO ACCESSSES

Gates/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

13. ACTION REQUIRED PRIOR TO COMMENCEMENT: DETAILS OF FOOTWAY

Before the development is commenced, details of a new footway on Mill Lane, Thurston shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed and fully completed prior to the occupation of the first dwelling hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

14. ACTION REQUIRED PRIOR TO COMMENCEMENT: EVCP AND CYCLE STORAGE

Before the development is commenced, details of secure, covered and lit cycle storage and electric vehicle charging infrastructure 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 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).

15. ACTION REQUIRED PRIOR TO COMMENCEMENT: MEANS TO PREVENT WATER POOLING IN THE HIGHWAY

Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

16. ACTION REQUIRED PRIOR TO COMMENCEMENT: REFUSE AND RECYCLING BINS

Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose.

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 access to avoid causing obstruction and dangers for the public using the highway. This

needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

17. ACTION REQUIRED PRIOR TO DEMOLITION OF THE DWELLING: SUBMISSION OF THE METHOD STATEMENT RELATING TO A REGISTERED SITE UNDER A BAT MITIGATION CLASS LICENCE FOR BATS

Works to demolish the existing building on site 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) authorizing the specified activity/development to go ahead; or
- b) a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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.

18. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report prepared by MHE Consulting and dated February 2022 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 and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

19. ACTION REQUIRED PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the submitted Ecology Report prepared by MHE Consulting dated February 2022.

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 s40 of the NERC Act 2006 (Priority habitats & species).

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
GP01 - Design and layout of development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats
Thurston Neighbourhood Plan

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. BATS & TREES - European Protected Species

All species of bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, which implements the EU Directive in the UK. It is an offence to damage or destroy a breeding site or resting place of a European Protected Species or deliberately disturb any such animal.

As it is possible that bats might be disturbed during works to trees, a visual inspection should be carried out according to the Bat Conservation Trust's publication "Bat Survey - Good Practice Guidelines". All the trees identified for felling or surgery need to be assessed for features e.g. hollow branch cavities and cracks/splits which give them potential to support bat roosts. Trees can then be assigned to different categories of potential and the mitigation required can be identified.

It is helpful if tree surgeons are trained to check for bats when trees are climbed and inspected. Ideally they need to carry out a detailed, off the ground visual assessment of features that can be used by bats. This information can then be used to provide a best expert judgement on the potential use of suitable cavities, based on the habitat preferences of bats.

With field evidence of the presence of bats in trees, a bat consultant will be required to carry out dusk and dawn surveys to establish more accurately the presence, species, numbers and type of roost present and to inform the mitigation requirements. A list of suitably qualified consultants can be supplied plus further information re specification for this survey work.

If trees with confirmed roosts need to be felled, this will require a Habitat Regulations licence, sought on health and safety grounds from Natural England. This must be held by the owner of the tree (NOT the bat consultant) and he/she will need to ensure any required mitigation is implemented e.g. the installation of equivalent habitats as a replacement. Felling must be undertaken using reasonable avoidance measures such as "soft felling" to minimise the risk of harm to individual bats.

Any confirmed bat roosts in trees which are not identified for felling should be protected and ensure they do not become isolated from other trees. Ideally a buffer ring of trees and understorey should be retained around roosts to maintain a wooded corridor.

Trees with potential but no confirmed roosts for bats can be felled without a licence. However this should be done preferably in September/October using reasonable avoidance measures e.g. lowering and cushioning techniques to reduce the impact of felling limbs which still have bats within cavities. An expert opinion on the safety of these trees should inform the decision as to whether or not the work can be delayed until this time of year (when bats are not breeding or hibernating).

Trees which have been earmarked for dead wooding should also be surveyed to ensure arboricultural work will not affect bats.

The maximum penalty for breaches by companies, individuals and the employing organisations has been raised up to £5000 per incident or per bat and/or a 6 month custodial sentence. As the courts will decide whether the offence could reasonably have been avoided, assessment for the potential of bats in trees is essential before work is carried out.

3. Way, without the permission of the Highway Authority.
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Suffolk County Council or its agents at the applicant's expense. Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>
or;

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Suffolk County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Note: Suffolk County Council's highway apparatus appears to be affected by this proposal. The applicant must contact Suffolk County Council, telephone 0345 606 6067 to agree any necessary alterations to be carried out at the expense of the developer.

Note: Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

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/22/01588

Signed: Philip Isbell

Dated: 26th May 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.