

**Philip Isbell - Chief Planning Officer**  
**Sustainable Communities**

**Mid Suffolk District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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**PLANNING PERMISSION**  
**TOWN AND COUNTRY PLANNING ACT 1990**

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**Correspondence Address:**

Mr Antony Pettifer  
Hethel Engineering Centre  
Chapman Way  
Hethel  
Norwich  
NR14 8FB

**Applicant:**

WSB Developments Ltd  
c/o Agent  
Hethel Engineering Centre  
Chapman Way  
Norwich  
NR14 8FB  
United Kingdom

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**Date Application Received:** 29-Mar-24

**Application Reference:** DC/24/01542

**Date Registered:** 30-Mar-24

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**Proposal & Location of Development:**

Application under S73 for the Removal or Variation of a Condition following grant of DC/23/03499 dated 23/02/2024 Town and Country Planning Act 1990 (as amended)- Erection of 7no. single-storey dwellings with vehicular access. To vary Condition 3 (Pre-Commencement Condition /Highways) as per covering letter.

Willow Croft, Long Green, Bedfield, Woodbridge Suffolk IP13 7JD

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 01/01 at 1:1000 received 27/07/2023 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:

Application Form - Received 29/03/2024

Covering Letter - Received 29/03/2024

Defined Red Line Plan 01/01 at 1:1000 - Received 27/07/2023

Site Plan 01/02-A - Received 15/12/2023

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**Section B:**

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

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:  
COMMENCEMENT TIME LIMIT - S73

The development hereby permitted shall be begun not later than the expiration of three years from the date of host planning permission ref: DC/23/03499 (Not later than 23.02.2027).

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 PRIOR TO OCCUPATION : HIGHWAYS IMPROVEMENT

No part of the development shall be occupied until details of the proposed off-site highway improvements in broad accordance to Drawing No. 01/02-A have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.

Reason: To ensure that the necessary highway improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety and sustainable travel.

Note: Footpath to site frontage to include link into site adjoining site access, a dropped kerb to the bus stop on the opposite of Southolt Road (northeastern side) and to run between Bedfield Footpath 002 and 'Karmada' as denoted in 'pink' on Drawing No. 01/02-A

4. HIGHWAYS CONDITION : PROVISION OF VISIBILITY SPLAYS

Before the accesses are first used visibility splays shall be provided as shown on Drawing No. Job: 2683 Drawing: 01/11 Title: Site Layout - visibilities, with an X dimension of 2.4 metres and Y dimension of 59 metres [tangential 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.

5. PROVISION OF ACCESS TO PLOTS 1 - 6

No other part of the development of Plots 1 to 6 hereby permitted shall be commenced until the new access to Plots 1 to 6 has been laid out and completed in accordance to Drawing No. 01/02 - A and in conjunction with off-site improvements. 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.\*

6. PROVISION OF ACCESS TO PLOT 7

No other part of the development of Plot 7 hereby permitted shall be commenced until the new access to Plot 7 has been laid out and completed in accordance to Drawing No. 01/02 - A and in conjunction with off-site improvements. 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.\*

7. SPECIFIC RESTRICTION ON DEVELOPMENT: HIGHWAYS: SAFETY

The gradient of the vehicular access 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. The gradient of the access driveway 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.

8. PRIOR TO FIRST OCCUPATION CONDITION : ACCESS SURFACE

Prior to the development hereby permitted being first occupied, the new access(s) 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.

9. SURFACE WATER CONDITION

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

10. PRIOR TO OCCUPATION CONDITION : PRESENTATION OF REFUSE AND RECYCLING BIN

Before the development is occupied 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.

11. CONSTRUCTION MANAGEMENT PLAN

Pre-commencement requirement. The Construction Management Plan shall include the following matters:

- o parking and turning for vehicles of site personnel and visitors.
- o loading and unloading of plant and materials
- o storage of plant and materials
- o provision and use of wheel washing facilities and carriageway street sweeping.
- o programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works.
- o site working and delivery times
- o provision of boundary hoarding and lighting.
- o details of measures to prevent mud from vehicles leaving the site during construction.
- o details of deliveries times to the site during construction phase.
- o layout of facilities above to be included on a plan.

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. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

12. RECOMMENDATIONS OF THE ECOLOGY REPORT (WILD FRONTIER ECOLOGY, NOV. 2023)

The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European Protected Species Licence (Great crested newt), as recommended in the ecology report by Wild Frontier Ecology, Nov. 2023 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

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

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

Prior to first use/occupation of the development hereby approved: a lighting design scheme for biodiversity 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 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).

14. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

Prior to commencement of development above slab level: a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures shall 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 first beneficial use of the hereby approved development 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).

15. LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Before the development is first occupied / or brought into use. A schedule of landscape and ecological management/maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme in terms of landscape and ecology.

16. 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 dwelling house(s) shall be carried out, - no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, 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.

17. SPECIFIC RESTRICTION ON DEVELOPMENT: TREE PROTECTION

For 10 years following from the commencement of development, none of the existing trees on the site (in accordance with ARB, Method Statement and Tree Protection Plan) dated 28 Nov 2023, shall be lopped, topped, felled, have their roots severed or be uprooted without the prior written approval of the Local Planning Authority. Any trees felled, uprooted, dying or being seriously damaged as a result of actions taken without such prior written approval shall be replaced in the next planting season (October - March inclusive) in the same siting with others of similar size and species.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

18. TREE PROTECTION MEASURE ONSITE

The tree protection, mitigation, compensation and working methods scheme as shown in Arboriculture Impact Assessment & Tree Protection Scheme (ARB, Method Statement and Tree Protection Plan) dated 28 Nov 2023, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason - To safeguard all retained trees during development works.

## **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework  
SP03 - The sustainable location of new development  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change  
LP09 - Supporting a Prosperous Economy  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP27 - Flood risk and vulnerability  
LP29 - Safe, Sustainable and Active Transport

## **NOTES:**

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

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

### **2. Works to Watercourse**

The proposal may require works being carried out to an ordinary watercourse / the piping of a ditch.

Consent will be required, from Suffolk County Council's Flood and Water Management team or the appropriate Internal Drainage Board, before work affecting an ordinary watercourse, including a ditch, (whether temporary or permanent), can commence.

Applications for consent may take up to 8 weeks to determine and will incur an additional fee. Application forms are available from the SCC website:  
<https://www.suffolk.gov.uk/roadsand-transport/flooding-and-drainage/working-on-a-watercourse/>.

### **3. Highways Note**

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of 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 the County Council or its agents at the applicant's expense. The County Council must be contacted on Tel: 0345 606 6171.

For further information go to: <https://www.suffolk.gov.uk/planning-waste-and-environment>

#### 4. **Highways - S278**

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements.

Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

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

#### 5. **Other Highways Notes**

Highways Note 1 : 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.

Highways Note 2 : The public right of way (PRoW) Bedfield Footpath 002 cannot be lawfully driven along without due authority. This highway must remain unobstructed at all times. It is an offence to disturb the surface of the highway so as to render it inconvenient for public use. Therefore it is imperative that the surface is properly maintained for lawful use during the construction phase and beyond. The Highway Authority will seek to recover the cost of any such damage which it actions for repair.

Highways Note 3 : Trees and hedges should be planted far enough away from the highway so that they can mature without growing over the highway. Section 154 of the Highways Act 1980 empowers the Highways Authority to cut or fell trees or hedges that cause danger or obstruction or interference to the highway.

Highways Note 4 : Section 141 of the Highways Act 1980 restricts planting of trees etc., in or near the carriageway. The Highway Authority recommends new trees planted within or close to existing or future highway have an approved root direction system to prevent roots damaging adjacent infrastructure.



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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/24/01542

**Signed: Philip Isbell**

**Dated: 23rd May 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.

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### Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

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[www.babergh.gov.uk](http://www.babergh.gov.uk)

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