

## BABERGH DISTRICT COUNCIL

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| <b>From: Corporate Manager – Open for Business</b> | <b>Report Number: S17</b>           |
| <b>To: Planning Committee</b>                      | <b>Date of meeting: 1 June 2016</b> |

### FOOD ENTERPRISE ZONES

#### 1. Purpose of Report

- 1.1 To gain approval for a Public Consultation on the first Local Development Order in the Orwell Food Enterprise Zone, Wherstead.

#### 2. Recommendation

- 2.1 That the Committee adopt the draft Local Development Order (attached as Appendix A) for the purposes of public consultation to run for a period of 28 days in relation to Jimmy's Farm, Pannington Hall Lane, Wherstead.

The Committee is able to resolve this matter.

#### 3. Financial Implications

- 3.1 None initially - all costs relating to the production of the Local Development Order have been covered by a grant from DEFRA. There will be some loss of income from potential planning application fees relating to some specific development at Jimmy's Farm, however the LDO is a critical part of the business support offered by the Food Enterprise Zones, and is required to stimulate business growth in these areas.

#### 4. Legal Implications

- 4.1 None directly associated with the content of this report. Failure to appropriately consult may jeopardise the LDO process and broader FEZ development.

#### 5. Risk Management

- 5.1 Key risks are set out below:

| Risk Description   | Likelihood | Impact | Mitigation Measures             |
|--|------------|--------|---------------------------------|
| Failure to progress the LDO, or consult, may impact on the DEFRA grant funding or zone development with consequent implications for growth in the District | 2          | 2      | Progress and consult on the LDO |

## **6. Consultations**

- 6.1 Initial consultations have taken place with Suffolk County Council and Jimmy's Farm in drawing up the Local Development Order (LDO).

## **7. Equality Analysis**

- 7.1 There are no Equality and Diversity implications arising directly from the content of this report.

## **8. Shared Service / Partnership Implications**

- 8.1 The Council is working closely with DEFRA, Suffolk County Council and New Anglia Local Enterprise Partnership to progress the work necessary to progress the zone.

## **9. Links to Joint Strategic Plan**

- 9.1 Theme No 2 - Business Growth and Increased Productivity.

## **10. Key Information**

- 10.1 The designation for two Food Enterprise Zones (FEZ) in Suffolk was awarded by DEFRA in July 2015, one for Wherstead, the other in Stowmarket. Since then the Councils have been working on Local Development Orders (LDO's) to simplify commercial development in the Zones and stimulate growth in the local Food and Drink sector.
- 10.2 The Orwell Food Enterprise Zone covers most of the Parish of Wherstead and encompasses Jimmy's Farm and the Suffolk Foodhall. An LDO for Jimmy's Farm has been drafted and covers permission for some specific development such as poly tunnels relating to turkey raising and the erection of small kiosks (for toilet facilities and refreshments). A further LDO for the development of a brownfield site known as Stevin's at the Suffolk Foodhall is at an early stage as this is within an AONB and, additional preparatory work is necessary. This LDO will not be ready for consultation until the autumn, due to the need for protected species surveys over the next few months.
- 10.3 An LDO is required to go out to public consultation for a period of 28 days. In order to commence this process formally Committee are requested to adopt the draft in order that public consultation may start.
- 10.4 It is currently expected that, if the draft LDO is adopted, that the Jimmy's Farm LDO consultation will start on Tuesday 7<sup>th</sup> June and end 5<sup>th</sup> July 2016. Upon completion of the 28 day period, any representations will be considered and reported to Planning Committee with appropriate recommendations in due course. It is currently expected that the LDO may then adopted, if appropriate and with such changes or amendments as may be requisite, by the Council's Planning Committee with a likely timetable of August 2016.

10.5 Once the Order is in place, development in the specified areas may come forward.. These developments would need to be considered and agreed by your Development Management service to ensure that they meet the LDO criteria under a 'prior notification' procedure within 28 days of receipt in a valid format. It is expected that there will be no application fees for these proposals, which itself would encourage growth through simplifying the planning procedure. If the development is for proposals which fall outside the scope of the LDO then the normal planning application process will apply.

## 11. Appendices

| Title   | Location |
|---|----------|
| (a) Draft Orwell Food Enterprise Zone, Jimmy's Farm, Wherstead, Local Development Order | Attached |

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# **Orwell Food Enterprise Zone**

## **Jimmy's Farm, Wherstead**

### **Draft Local Development Order**

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## Consultation Arrangements

### Purpose

The purpose of this consultation is to gain views on the Jimmy's Farm Draft Local Development Order (LDO). Responses are sought on the contents of this document. Consultation is being undertaken in accordance with Section 38 (3) and (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, which specifies who must be consulted.

### Consultation Period

The consultation runs for the statutory period of 28 days from xx May until xx June 2016.

### Availability of Documents

The draft Local Development Order, Statement of Reasons and associated documents and the public notice are available in the following locations and consultation responses are invited by post or email as detailed below:

|                 |   |
|-----------------|---|
| Electronically  | Please visit <a href="http://www.babergh.gov.uk/business/economic-development/food-enterprise-zones/">http://www.babergh.gov.uk/business/economic-development/food-enterprise-zones/</a> where you can view and download the LDO documents. The documents are available to accessibility readers or can be made into a large print format via pdf |
| Council Offices | <b>xxx service</b><br>Babergh District Council<br>Corks Lane<br>Hadleigh<br>Ipswich<br>IP7 6SJ  |
| By post         | 9am to 5pm Monday to Friday<br>XXXXXXXXXXXXXXXXXXXX   |
| By email        | XXXXXXXXXXXXXXXXXXXX@babermidsuffolk.gov.uk   |

All responses will be recorded, reviewed and analysed and reported (in summary form) to the **Planning Committee** for consideration, together with any proposed changes to the LDO in accordance with normal council procedures. Consultation responses will be used to help inform the refinement of the LDO in its final form prior to its adoption for implementation.



## **1. Background & Context**

- 1.1 Land and buildings at Pannington Hall in Wherstead are currently used for a mix of uses based around farming and food production specialising in the farming of rare and minority breeds. Known as Jimmy's Farm, the business has evolved over recent years in order to provide a greater diversity of uses and therefore income to support the farm business objectives.
- 1.2 In March 2015 the Orwell Food Enterprise Zone, centred on the village of Wherstead, was designated by the Department for Food, Environment and Rural Affairs (DEFRA). Such a designation allows local planning authorities the opportunity to consider whether a Local Development Order is appropriate for sites in the Enterprise Zone area, thereby speed up the planning and development process for designated sites and provide more certainty for investors, developers and the local community.
- 1.3 Jimmy's Farm, because of its connections with the "farm to fork" ethos, has been selected for the preparation of a Local Development Order to enable specified further business expansion to take place without the need to secure planning permission, as long as the proposals comply with the conditions of the Order.

## **2. Site Description**

- 2.1 This Farm site is located on land around Pannington Hall to the west of the A137 at Wherstead and adjacent to Ipswich to London main line railway. The business farms an area of approximately 60 hectares of which 48 hectares are grass and paddocks. The remainder is woodland that provides an important setting for the farm and buildings. Pannington Hall, although not part of the business, is a Listed Building that is currently on the Babergh District Council "Buildings at Risk" register. An original timber framed barn on the site has been converted to a farm shop and restaurant and additional buildings within the vicinity of the Hall and restaurant have either been converted or erected to provide further retail floorspace, storage, offices, a classroom and toilets. Elsewhere on the farm there are additional buildings used for refreshment kiosks, a butterfly house and a polytunnel used in association with the breeding of turkeys
- 2.2 The Farm is accessed along an unclassified road leading north-west from the A137. The Farm operates a one-way system with the exit via a track to the west and onto the C class road leading from the A137 to Belstead.
- 2.3 Generally, the Farm is sheltered from views into the site by the topography of the land and the extensive Hill Farm Covert woodland on the eastern edge of the site.

### **3. Food Enterprise Zones**

3.1 Food Enterprise Zones (FEZ) are a government initiative run by the Department for Food, Environment and Rural Affairs (DEFRA). The aim is to:

- a) enhance rural development through the growth of food businesses in a particular location, be it producers, processors, retailers and/or manufacturers;
- b) encourage greater collaboration between food and farming businesses, and even encourage links to research and education institutions, in order to develop the domestic food and farming sector;
- c) allow local decision making and identities, particularly for planning and development; and
- d) attract inward investment

3.2 An initial round of Food Enterprise Zones were designated in February 2015 immediately followed by an invitation by DEFRA for submissions for a second tranche of designations. Babergh District Council, supported by the New Anglia Local Enterprise Partnership, submitted a proposal to create the Orwell FEZ in an area based around three existing businesses in Wherstead – The Suffolk Food Hall, Wherstead Park (the headquarters of the East of England Co-operative Society) and Jimmy’s Farm. The submission was successful and the FEZ was designated in March 2015.

3.2 As part of the Food Enterprise Zone programme, DEFRA has provided financial support to develop and implement LDOs for the FEZ area. The designation of a FEZ has no additional benefits attached, unlike the wider national programme of Enterprise Zones where support for Business Rates relief and potential enhanced Capital Allowances are available. The DEFRA engagement and the network of Food Enterprise Zones is looking to learn from the process of developing the potential for an LDO and will continue to monitor activity in the future to determine the wider business and economic benefits which may arise.

### **4. Local Development Orders**

4.1 LDOs were introduced through the Planning and Compulsory Purchase Act 2004 with a purpose of allowing local planning authorities to extend permitted development rights for certain specified forms of development. In other words, subject to compliance with certain conditions, development could take place without going through the formal planning application process.

4.2 The National Planning Practice Guidance outlines the process governing the preparation and the implementation of Local Development Orders and can be viewed here:

4.3 The powers in the 2004 Act were amended by the commencement of section 188 of the Planning Act 2008 in June 2009 and more detailed legal provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and articles 34 and 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended (the 'DMPO'). The DMPO came into force in October 2010 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order.

4.4 The Regulations require that if a local planning authority proposes to make a LDO they must first prepare:

- (a) A draft of the Order; and
- (b) A statement of their reasons for making the order.

The statement of reasons must contain:

- (i) A description of the development which the order would permit; and
- (ii) A plan or statement identifying the land to which the order would relate.

4.5 An LDO has to be consulted on in the same way as if it were a planning application. Following the review of the results of the consultation, the LDO can be approved by the LDO. The Secretary of State has to be notified of its approval via the National Planning Casework Unit, as soon as practicable after adoption.

4.6 The LDO, once formally adopted by the local planning authority, therefore provides:

- Certainty for investors, developers, neighbours and occupiers because they know what types of development will be acceptable in planning terms;
- Cost savings for businesses through reducing the need for statements and studies supporting planning applications and the time taken to get a decision on whether the development is acceptable; and
- Businesses the ability to react quicker to change, thereby reducing costs by allowing businesses to remain competitive.

## 5. Purpose

5.1 This LDO comprises:

- I. Statement of Reasons for granting planning permission and conditions;

2. The Local Development Order setting out the terms of the planning permission granted, including a prior notification requirement, planning conditions and exceptions; and
  3. Process and Procedures under the LDO which will be followed by Babergh District Council as the local planning authority and by applicants.
- 5.2 The LDO and the terms within it will be active for a period of 5 years following the day of its adoption and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of this order.
- 5.3 Babergh District Council proposes to review progress with the LDO on the third anniversary of its adoption to be able to fully reflect on the continuing suitability of the order in light of any changes to planning policy. The review will be completed within 28 days of the third anniversary and at the end of the review the Council will determine whether to:
- a. Retain the LDO as it stands for the remaining 2 years of its life;
  - b. Retain but revise some elements; or
  - c. Revoke and Cancel the LDO.
- 5.4 Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5 year period; provided it still complies with the established conditions and criteria for development.

## **6. Statement of Reasons**

- 6.1 This Local Development Order has been prepared to help streamline the planning process and enable specified development to take place within the sites identified on **Map 1** without requiring planning consent as long as the conditions attached to the LDO are complied with. Where a development proposal does not conform to the Order or cannot satisfy the conditions attached to the Order, planning consent will need to be sought in the usual way.

### **Objectives**

- 6.2 The Food Enterprise Zone seeks to bring more local produce to the market, particularly artisan foods, and to promote food-related tourism in the local area. This will be achieved through:
- Stimulating the creation of additional jobs in the wider food sector supporting the Food Enterprise Zone;
  - Supporting new entrants to the market through facilitating food related business start ups and high growth enterprise;
  - Enabling existing food related businesses to consolidate and expand;

- Introducing innovation and up-skilling opportunities at every step, especially through strengthening links with science and education via local Higher and Further Education establishments;
- Highlighting the importance of the local food-related economy to the wider area;
- Growing a network around this important sector;
- Providing access to faster broadband;
- Offering access to additional support and grants as available from Babergh District Council, New Anglia Local Enterprise Partnership and other partners; and
- Attracting inward investment into the area and growing the size of the agri-food sector overall.

### **Justification for Creating an LDO**

- 6.3 The District Council is committed to enabling opportunities for the delivery of both environmentally and economically sustainable growth. Priority 1 for Babergh in the Babergh and Mid Suffolk Joint Strategic Plan Refresh 2016-2020 is to: *“Shape, influence and provide the leadership to enable growth while protecting and enhancing our environment.”*
- 6.4 The production, processing and selling of locally sourced food is an important part of the local economy, recognised through the designation by the government of the area based around three existing businesses in Wherstead as the Orwell Food Enterprise Zone in 2015.
- 6.5 The New Anglia Strategic Economic Plan identifies agriculture, food & drink as one of the 4 largest underpinning sectors that are the largest employers in the New Anglia economy. The LEP (and partners) will continue to support these in order to improve their productivity and competitiveness. The Suffolk Growth Strategy seeks to build on Suffolk’s distinctive competitive economic and environmental advantages. It acknowledges that there is particular potential for growth in the specialist food and drink offer driven by national demand for high quality locally sourced food. The size of the food & drink and agriculture sectors in Babergh is significantly larger than the Suffolk average, highlighting its importance to the local economy.
- 6.6 The Strategy identifies 9 growth sectors, one of which is food drink and agriculture. With key outcomes to:
- strengthen skills;
  - attract inward investment and promote enterprise;
  - focus growth in principal economic growth locations; and
  - improve transport, digital communications and other infrastructure.

Benefits

6.7 The LDO will:

- Make bringing forward defined development easier for the landowners by outlining all of the development that is permitted, without the need for planning permission which will improve investor and occupier clarity, certainty and confidence;
- Ensure, through the application of the conditions attached to the LDO provide appropriate protection of amenity for residents and the protection of the international habitats in the vicinity of the LDO site so that they do not suffer from adverse impact arising from inappropriate development; and
- Allow economic development to occur in a timely manner in response to business opportunities for growth and expansion;

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## 7. Planning Policy Context

### **National Planning Policy**

- 7.1 The National Planning Policy Framework (NPPF), published in March 2012, sets out the government's economic, environmental and social planning policies. Local Authorities must take its contents into account when preparing Local Plans and also when making decisions on planning applications. Paragraph 215 the NPPF indicates that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

7.2 The key principle of the NPPF is the presumption in favour of sustainable development, taking into account the economic, social and environmental benefits that development can bring. It states that the planning system should be used to play an active role in guiding development to sustainable solutions through building a strong and competitive economy, ensuring the vitality of town centres, supporting a prosperous rural economy, promoting sustainable transport and requiring good design.

7.3 Paragraph 19 states that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

- 7.4 The NPPF also requires that investment in business should not be overburdened by the combined requirements of planning policy expectations and that local planning authorities should consider using Local Development Orders to relax planning controls where impacts are acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise (Paragraph 199).

### **Babergh Planning Policy**

- 7.5 Core Strategy: The Core Strategy was adopted in February 2014. Policy CS3 of the Core Strategy (2014) states that proposals for employment uses that will contribute to the local economy will be supported where they are appropriate in scale, character and nature to

their locality. The policy also supports the re-use of existing land and premises and proposals that contribute to farm diversification.

7.6 Policy CS17 promotes sustainable and environmentally acceptable economic growth in the rural area through a number of measures including:

- farm diversification;
- the re-use of redundant rural buildings;
- sustainable tourism and leisure based businesses (including those offering a diverse range of visitor accommodation, activities or experiences);
- rural 'business parks', and workshops, rural and community business 'hubs' that share facilities and other innovative rural enterprises, and innovative business practices such as co-operatives or micro-businesses based on shared facilities / services; and
- where appropriate, farm shops and farmers markets; and

7.7 Babergh Local Plan Alteration No.2: The Local Plan was adopted by the Council on 1st June 2006 and sets out the detailed policies and proposals for the control of development across the district. Subsequent to its adoption, some policies have been replaced by the Babergh Core Strategy. Work has recently commenced on the preparation of a joint local plan document that will replace the remaining policies in Alteration No.2. However, until the "Joint Local Plan Babergh and Mid Suffolk" is adopted, the saved policies of the Local Plan (2006) remain, where appropriate, material in the consideration of planning proposals.

7.8 Policy EM20 of the Local Plan seeks to safeguard the future of local business through providing a strong presumption in favour of permitting the expansion of an existing business.

## **8. Site constraints**

8.1 A number of constraints that will need to be taken into account when preparing development proposals for the site. These constraints are identified below and conditions attached to the LDO ensure that there will be no detrimental impact arising from the development on these constraints.

### **Listed Building**

8.2 As noted above, Pannington Hall sits centrally on the site and is Listed Grade II. This timber framed farmhouse dates back to primarily the 16<sup>th</sup> and 17<sup>th</sup> Century and the Jimmy's Farm business now operates around it but the Hall is in separate ownership. Pannington Hall is currently vacant and has been placed on the Buildings at Risk Register. Paragraph 132 of the NPPF requires that proposals affecting a listed building or its setting should afford great weight to the conservation of that building and its setting. In support of this, paragraph 013 of the National Planning Practice Guidance requires that a thorough assessment of the impact on the setting of a listed building needs to take into account the "degree to which proposed changes enhance or detract from that significance and the ability to appreciate it."



8.3 The development permitted in this LDO has had regard to the requirements of the NPPF in terms of the siting and design of proposals.

**Access**

8.4 As already noted, the access to Jimmy's Farm is constrained both by the access road and the exit. The proposals in this LDO are unlikely to add significantly to day-to-day trips and will not generate the numbers experienced at special events organised at Jimmy's Farm, such as the open air theatre and festivals.

**Landscape**

8.5 The site is not located within any designated landscapes, although it is within the Suffolk Coasts and Heaths Project Area. The land is of generally poor agricultural quality. However, of particular importance to the setting of the site is Hill Farm Covert, the woodland that forms the eastern boundary of the site. It is essential that this woodland is retained and properly managed in order to ensure that that development at Jimmy's Farm continues to have a minimal landscape impact.

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## 9. Permitted Development and Uses in the LDO Area

9.1 A number of proposals are allowed within this LDO, but constrained to designated parts of the overall site. The Plan accompanying this LDO at Appendix I identifies four designated areas within which the following development will be permitted subject to the conditions of this LDO being met:

**Area A:** The erection of toilet blocks and refreshment kiosks

**Area B:** The erection of offices and storage buildings

**Area C:** The erection of a Polytunnel for the rearing of turkeys

**Area D:** The conversion of an agricultural building to a Children's Play Barn

### Explanation

9.2 **Area A:** The area covered by this part of the LDO is currently used for Farm visitors to view animals, birds and insects and partake in play. These areas are up to 250 metres from the main buildings of the attraction and not conducive to the enjoyment of the area, for example, for family picnics. The LDO will allow up to three toilet blocks and/or refreshment kiosks to be constructed in the area within maximum size limits and subject to the use of specified materials to match those used elsewhere on the Farm.



photo of example building

9.3 **Area B:** The area between the visitor's car park and the restaurant / farm shop is currently occupied by a range of temporary buildings and storage containers associated with the day to day operation of the Farm and visitor attractions. Further space will be required as the business expands and the LDO makes provision for the construction of office and storage buildings that will replace the existing temporary facilities with more sympathetically designed facilities.

The buildings should be constructed in brick and red pantile to match the adjoining **butchery** building to the east. The height should be no greater than the butchery.

Conditions of the LDO require that the new buildings are used only in association with the operation of the Farm and attractions and not by separate businesses, for example for the office of a business not associated with the operation of Jimmy's Farm.



Photo to be inserted showing the butchery building

9.4 **Area C:** A polytunnel already exists on the Farm that is used for the rearing of turkeys. This LDO makes provision for a further polytunnel no larger than the existing to be placed within the field immediately to the west of the existing polytunnel. This would ensure that it does not have a detrimental impact on the setting of the listed building (Pannington Hall)

as well as being screened from the long range views from the Belstead area of Ipswich and from the railway line.

- 9.5 **Area D:** An open sided agricultural implement and storage barn exists at the western end of the main farm complex. The barn and uses within it are highly visible from the visitor's car park and exit road and detract from the appearance of the area. The LDO allows the barn to be converted to provide an indoor children's play barn providing an additional attraction for the site. The conditions of the LDO require that the materials used for the conversion match those used within the main complex of the Farm, with black timber boarding walls and dark green sheet metal roofing (as used on the roof of the Clarke's of Walsham retail unit to the east of the barn).



## 10. Conditions

### 1. LOCAL DEVELOPMENT ORDER TIME LIMIT

The LDO expires on DD Month YYYY (5 yrs after adoption). This means that all development which takes advantage of this LDO provision must have commenced by this date. Any developments commenced within the area after this date will require the submission of a formal planning application. Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5 year period; provided it still complies with the established conditions and criteria for development set out within other conditions in this LDO.

*Reason: In order that the implications of the LDO can be reviewed and that development meeting the conditions of this LDO can be completed.*

### 2. LDO PROCEDURES

No development permitted by this LDO shall be commenced until:

1. Full details of the proposed development have been submitted to the Local Planning Authority by way of the completion of their LDO Confirmation of Compliance Application Form together with all other supporting documents as required by the LDO Checklist.
2. The Local Planning Authority has sent written acknowledgment to the applicant confirming:
  - a) the receipt of a valid LDO Confirmation of Compliance Application; and
  - b) the start and expiry date of the 28 day LDO Compliance Assessment Period.
3. Following the written acknowledgement described in 2, either:
  - a) The 28 day LDO Compliance Assessment Period has elapsed and the Local Planning Authority has neither certified that the proposal is compliant or noncompliant with the terms of the LDO; or
  - b) Within the 28 day LDO Compliance Assessment Period, the Local Planning Authority issues written confirmation of compliance expressly stating that the proposed development accords with the planning permission granted by the LDO, subject to compliance with other pre-commencement conditions.

For the purposes of calculating the 28 day LDO Compliance Assessment Period, any Bank Holiday and any day between and inclusive of Christmas Eve and New Years Day each year shall not be taken into account.

The subsequent development should be carried out strictly in accordance with the LDO Confirmation of Compliance Application and in accordance with the time limits set out within Condition I above.

*Reason: To ensure that the development is in conformity with the LDO and to ensure that LDO development can be monitored over the lifetime of the LDO.*

*Note: Developers, agents and landowners should refer to the LDO Confirmation of Compliance Protocol.*

## **CONDITIONS SPECIFIC TO AREA A**

### **A1. DEVELOPMENT APPROVED**

The development hereby approved shall be used only for the sale of light refreshments and/or for toilets in association with the use of the site as a farm visitor attraction.

*Reason: xxxxxxxxxxxxxxxxxxxxxxx*

### **A2. DESIGN MATERIALS AND LAYOUT**

The buildings permitted by the LDO shall be constructed of black painted/stained timber weatherboarding

*Reason: In order to minimise the adverse impacts of the proposal on the character of the development with regards to the landscape and local visual amenity having particular regard to saved Policy CN01 of the Babergh Local Plan Alteration No. 2 (2006)*

### **A3. BUILDING SIZE LIMIT**

The buildings permitted shall have maximum dimensions of xxxxxxxxxxxxxxxxxxx

*Reason: In order to limit the impact of the development on the rural nature of the site and the setting of the nearby listed building*

### **A4. TIMES OF OPERATION TO BE AGREED**

Prior to the first use of the development, details of opening times, operation/working times and delivery times shall be submitted to and agreed in writing by the Local Planning Authority. The times for each building, or part thereof, shall be implemented as agreed and thereafter operated as such unless otherwise subsequently agreed in writing.

*Reason – To enable the Local Planning Authority to retain control over the development in the interests of amenity.*

**A5. FOUL WATER DRAINAGE SCHEME**

The hereby approved development shall not be brought into use until a foul water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be carried out and operated in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

*Reason - To prevent environmental and amenity problems arising from flooding*

**A6. TREE PROTECTION**

No development shall be commencement until any existing tree/s within, or on the boundary of a development site, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been approved, in writing, with the Local Planning Authority prior to the commencement of development. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

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

**CONDITIONS SPECIFIC TO AREA B**

**B1 DESIGN, MATERIALS AND LAYOUT**

Details of the design of the building and the facing and roofing materials to be used in the development shall accord with the be submitted to the Local Planning Authority for their approval in writing, including colour, finishes, signage and lighting. Thereafter the development shall be carried out in accordance with the approved details.

*Reason: In order to minimise the adverse impacts of the proposal on the character of the development with regards to the landscape and local visual amenity having particular regard to saved Policy CN01 of the Babergh Local Plan Alteration No. 2 (2006)*

**B2. FOUL WATER DRAINAGE SCHEME**

The hereby approved development shall not be brought into use until a foul water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be carried out and operated in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

*Reason - To prevent environmental and amenity problems arising from flooding*

**B3. SURFACE WATER DRAINAGE**

No development shall commence above slab level until full details of surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall be thereafter maintained as approved.

*Reason - To safeguard the ground water environment and minimise the risk of flooding.*

**B.4 PERMITTED USES**

The development permitted shall be used solely for office and/or storage purposes only in association with the operation of the Farm and on site attractions attractions.

*Reason –*

**CONDITIONS SPECIFIC TO AREA C**

- C.1 Prior to the installation, erection or placement of the polytunnel on the land, precise details of the size of the polytunnel and its siting on the land shall be submitted to, and approved in writing by, the local planning authority. Only the approved polytunnel shall be installed/erected/placed on the land unless an alternative is subsequently agreed in writing by the local planning authority.

*Reason - In the interests of amenity and the character of the area, in accordance with saved policy CN01 of the Babergh Local Plan Alteration No.2 (2006).*

**CONDITIONS SPECIFIC TO AREA D**

- D.1 Prior to the commencement of any works which may affect bats and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing

**Reason -**

- D.2 The conversion of the existing agricultural building shall be carried out so as to ensure a completed finish that is replicate of the materials used on the main barn complex on the site, being black painted/stained timber weatherboarding on a red brick plinth under a roof of dark green metal sheeting, unless otherwise agreed in writing by the local planning authority.

*Reason - In the interests of amenity and the character of the area, in accordance with saved policy CN01 of the Babergh Local Plan Alteration No.2 (2006).*



## **11. Notes to Conditions:**

### **1. Ground Conditions**

Babergh District Council Environmental Health Department shall be contacted in the event of unexpected ground conditions being encountered during construction.

### **2. Safe Development**

Babergh District Council Environmental Health Department request that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **3. Sustainable Drainage Systems (SuDS) informative**

- 3.1 Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
- 3.2 Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
- 3.3 Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
- 3.4 The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
- 3.5 Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
- 3.6 SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011).

For further information on our requirements with regard to SuDS see the Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 and G9 – G13 available at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

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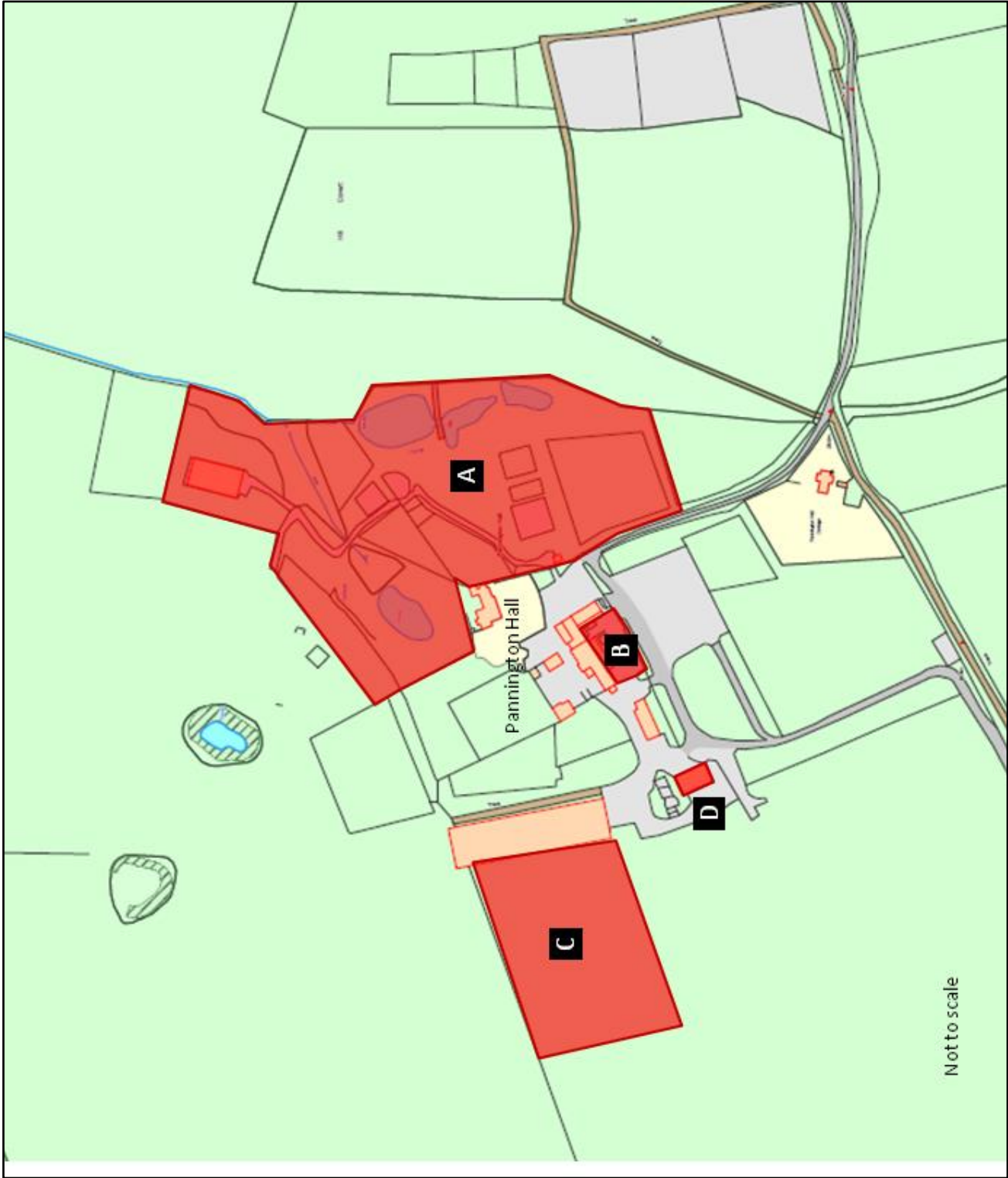
## 12. Process and Procedures

- 11.1 Developers are required to submit a limited amount of information in order that the local planning authority can determine whether the terms of Jimmy's Farm LDO are met such that planning permission is granted for the proposal under its provisions.
- 11.2 A period of 28 working days from receipt of this information is considered a realistic timescale within which the local planning authority should be able to assess compliance and respond without causing undue delay to applicants. Should the local planning authority respond positively or fail to respond within this 28 day period then planning permission is granted for the proposal by this LDO.
- 11.3 Exceptionally the need for an extension of time for a specified period beyond the 28 days may be necessary where particularly complex proposals are advanced and where further consultation is necessary.
- 11.4 In such instances Babergh District Council will contact the developer to agree an extension of time in which to consider whether, for example, additional information should be submitted to satisfy the requirements of a statutory consultee
- 11.5 Proposed development which falls outside the scope of the LDO will require the submission of a planning application or other appropriate application. For the avoidance of doubt, an LDO does not exclude applicants from applying for planning permission for developments that are not permitted by the Order. Neither does an LDO supersede the requirements for development to comply with all other relevant legislation, for example, Building Regulations, Environmental Health, Hazardous Substances Consent and licences or permits from other bodies such as the Environment Agency.

### 13. Appendix

#### LDO Areas

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