

Application No: DC/20/0094/RM

AGENT

Mr Andrew Smith - AJA Architects LLP
1170 Elliott Court
Herald Avenue
Coventry Business Park
Coventry
CV5 6UB

APPLICANT

HE2 HAVERHILL 1 GP Ltd
C/O Agent

Date Registered: 17 January 2020

Date of Decision: 6 August 2020

Town And Country Planning Act 1990 (as Amended)

**Town & Country Planning (Development Management Procedure)
(England) Order 2015**

Proposal: Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Units 1, 2 and 3 (Plots NE1 and NE2) for Class B1, B2 and B8

Application to Discharge Condition 6 (surface water drainage) , 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDS) of DC/15/2424/OUT

Location: Land Adj Haverhill Business Park, Bumpstead Road, Haverhill, Suffolk

The application for approval of reserved matters described above and the plans and information contained in that application, submitted in pursuance of conditions imposed on outline planning permission No. DC/20/0094/RM are hereby **APPROVED** by the Council as Local Planning Authority for the purposes of the above Act and Order, subject to the following conditions:

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

[Planning and Regulatory Services, West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU](#)

Reason: To define the scope and extent of this permission.

Reference No:	Plan Type	Date Received
19-50-01	Tree Constraint Plan	16.01.2020
19-050-05 Rev B	Landscape Plan	15.04.2020
19-050-06 Rev B	Landscape Plan	15.04.2020
19-050-07 Rev B	Landscape Plan	15.04.2020
6502-61	Cycle plans	16.01.2020
6502-703 D	Site Location Plan	07.05.2020
6502 37 - unit 3	Proposed Elevations	07.05.2020
2018 294 SK212	Tracking Plan	08.06.2020
P4 - unit 3		
6502 36 - unit 3	Proposed Floor Plans	07.05.2020
6502 SK26 Rev D - B8 parking provision	Proposed Site Plan	07.05.2020
6502 SK19 Rev K - B2 parking provision	Proposed Site Plan	08.06.2020
2018 294 SW	Drainage Strategy	15.04.2020
2018 294 122	Drainage Plans	15.04.2020
6502 P 210 - unit 2	Proposed Elevations	26.03.2020
6502 P 200 - unit 2	Proposed Floor Plans	26.03.2020
6502 P 203 - unit 2	Proposed Roof Plan	26.03.2020
6502 P 212 - unit 2	Proposed Sections	26.03.2020
6502 P 110 - unit 1	Proposed Elevations	26.03.2020
6502 P 100 - unit 1	Proposed Floor Plans	26.03.2020
6502 P 103 - unit 1	Proposed Roof Plan	26.03.2020
6502 P 112 - unit 1	Proposed Sections	26.03.2020
6502 63	Street Scene Elevations	17.01.2020
(-)	Biodiversity report	17.01.2020
BREEAM	Other	17.01.2020
PRE-ASSESSMENT Deliveries Management Plan	Other	17.01.2020
(-)	Design and Access Statement	07.05.2020
(-)	Noise Report	17.01.2020
(-)	Noise Report	13.03.2020
Letter from Nolan Associates	Noise Report	16.03.2020
(-)	Noise Report	23.04.2020
(-)	Noise Report	07.05.2020
(-)	Land Contamination Assessment	07.05.2020
(-)	Application form	17.01.2020

- 2 No development above slab level shall take place until samples/details of the facing and roofing shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 3 Further to the proposed noise levels contained in the Environmental Noise Report - Reserved Matters submitted by Sharps Redmore on the 18th July 2019, Project No. 1919017, the combined noise level emitted from any external mechanical plant and internal operations, at each Unit, installed or operated in connection with the carrying out of this permission, shall be enclosed and/or attenuated and maintained so as to ensure that the noise generated by this permission shall not exceed:-
- 35dB(A) LA90 (1 hour daytime 07:00 -23:00) at the boundary of the nearest residential property (that being -10dB(A) below the daytime noise level measured as 45dB(A) LA90 (1 hour daytime 07:00 - 23:00 hours) and;
 - 25dB(A) LA90 (15 minute night time 23:00 - 07:00) at the façade of the nearest residential property (that being -10dB (A) below the night time background noise level measured as 35dB(A) LA90 (15minute night time 23:00-07:00).

No plant, machinery and equipment, including any proposed sound proofing, shall be installed until details have been submitted to the Local Planning Authority for approval in writing.

Noise measurements for the purposes of this condition shall be pursuant to BS 4142:2014.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 No phase or unit of the development shall be occupied until a Management Plan for that phase or unit, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures have been submitted to and approved in writing by the Local Planning authority. The Management Plan shall be implemented in full on occupation of each phase or unit and complied with thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 Prior to the occupation of any of the units hereby approved for Class B1/B2 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK19 Rev K. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Prior to the occupation of any of the units hereby approved for Class B8 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK26 Rev D. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

The Following policies are considered relevant to the current decision:

Development Management Policy DM1 Presumption in Favour of Sustainable Development

Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness

Development Management Policy DM6 Flooding and Sustainable Drainage

Development Management Policy DM7 Sustainable Design and Construction

Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Development Management Policy DM13 Landscape Features

Development Management Policy DM14 Protecting and Enhancing Natural

Resources, Minimising Pollution and Safeguarding from Hazards
Development Management Policy DM20 Archaeology
Development Management Policy DM30 Appropriate Employment Uses and
Protection of Employment Land and Existing Businesses
Development Management Policy DM44 Rights of Way
Development Management Policy DM45 Transport Assessments and Travel Plans
Development Management Policy DM46 Parking Standards
Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
Core Strategy Policy CS2 - Sustainable Development
Core Strategy Policy CS9 - Employment and the Local Economy

Vision Policy HV1 - Presumption in Favour of Sustainable Development
Vision Policy HV9 - General Employment Areas - Haverhill
NPPF 2019

Informatives:

- 1 This decision notice and any conditions thereon must be read in conjunction with the outline planning application reference listed above, along with any conditions and legal agreements associated with such outline approval.
- 2 Any failure to adhere to approved plans or to comply with any conditions or limitation attached to this permission/consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.
- 3 The project may be subject to the requirements of the Building regulations 2010. Advice and assistance can be obtained from our Building Control Team on 01284 757387 or building.control@westsuffolk.gov.uk. They will work with you offering competitive fee quotations and pre-application advice upon request.
- 4 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or registration other than the Town and Country Planning Act 1990 or under any covenant.
- 5 The development hereby approved should be built in accordance with the approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the council's website at www.westsuffolk.gov.uk. A fee of £34 for a householder application or £234 for all other applications will be required in order to register the application.
- 6 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case additional information was requested during the course of the application in

respect of noise and the applicant sort to amend the scheme whilst the application was being considered.

- 7 Public Rights of Way comments: 1. PROW are divided into the following classifications:- Public Footpath - only for use on foot or with a mobility vehicle- Public Bridleway - use as per a public footpath, and on horseback or by bicycle- Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage- Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle. All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk. 2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted. 3. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:- To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.- To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 6066071.- To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/p>

ublic-rights-of-way-contacts/ PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

- 8 Within this application, the applicant is seeking to discharge conditions 6 (surface water drainage), 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDs) of outline planning permission DC/15/2424/OUT. A number of the conditions that are sought to be discharged have been dealt with alongside the consideration of the main reserved matters application which include landscaping, parking and traffic movements. The relevant statutory consultees have assessed the information and documents submitted in respect of the remaining conditions which include drainage and contamination. The Lead Local Flood Authority, Environment Agency and Environment Team are satisfied with the information submitted and therefore the Local Planning Authority can formally discharge the conditions outlined above.

David Collinson

David Collinson
Assistant Director - Planning & Regulatory Services

Date: 6 August 2020

NOTES

- 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/model-notification-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 practise 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.
3. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

*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.