

Application No: DC/22/0078/RM

AGENT

Mr Andrew Smith
1170 Elliott Court
Herald Avenue
Coventry Business Park
Coventry
CV5 6UB

APPLICANT

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HE2 HAVERHILL 1GP Ltd.
C/O Agent

Date Registered: 11 February 2022

Date of Decision: 18 May 2022

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 unit 6 (formerly unit 2) of plot NE2, for Class B1, B2 and B8 use

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/22/0078/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, unless otherwise stated below:

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

Reference Number	Plan Type	Date Received
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Planning and Growth, West Suffolk Council, West Suffolk House, Western Way,
Bury St Edmunds, Suffolk, IP33 3YU

19-50-05 REV B	Soft landscape proposals	17 January 2022
19-50-06 REV B	Soft landscape proposals	17 January 2022
19-50-07 REV B	Soft landscape proposals	17 January 2022
6502 - SK52 REV D	Block plan	11 February 2022
6502 - SK53 REV E	Floor and roof plans	11 February 2022
6502 - SK54 REV D	Proposed elevations & sections	11 February 2022
6502 - SK55 REV D	Block plan	11 February 2022
6502 - SK56 REV D	Block plan	11 February 2022
6502 - SK57 REV B	Site location plan	11 February 2022
6502 - SK58 REV C	Fence elevations	11 March 2022
(-)	Biodiversity enhancement plan	10 May 2022
6502 - SK58 REV C	Cycle plans	11 March 2022
AJA ARCHITECTS	Materials	6 May 2022
Sharps Redmore March 2022	Acoustic report	11 May 2022
6502 - SK51 REV E	Location plan	11 May 2022

- 2 The development hereby permitted shall be constructed entirely of the materials detailed in document 'AJA Architects External Cladding Materials', received by the Local Planning Authority on 06 May 2022.

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 by Sharps Redmore, dated 18th July 2019, Project No. 1919017, the combined noise level emitted from any external mechanical plant and internal operations 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 and approved in writing by the Local Planning Authority.

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 unit 6 (formerly unit 2), 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 unit 6 (formerly unit 2) 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 the unit hereby approved for Class B1/B2 use, the car parking and loading/circulation space associated with the unit, including the cycle and waste storage areas, shall be laid out in accordance with drawing 6502-SK52 REV D. The car parking, loading / circulation space and cycle and waste storage areas 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 the unit hereby approved for Class B8 use, the car parking and loading/circulation space associated with the unit, including the cycle and waste storage areas, shall be laid out in accordance with drawing 6502-SK56 REV D. The car parking, loading / circulation space and cycle and waste storage areas 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 The development hereby permitted shall not be brought into use/first occupied for B8 use until the cycle storage facilities indicated on site plan no. 6502-SK56 REV D and elevation plan no. 6502-SK58 REV C, have been provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 The development hereby permitted shall not be brought into use/first occupied for B1/ B2 use until the cycle storage facilities indicated on site plan no. 6502-SK52 REV D and elevation plan no. 6502-SK58 REV C, have been provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 Prior to occupation, the enhancement measures pertaining to Unit 6 (formerly Unit 2) as detailed in the submitted 'Biodiversity Enhancement Scheme', by Delta Simons Environmental Consultants shall be installed at the site and thereafter retained as so installed.

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.

- 10 All planting comprised in the approved details of landscaping shall be carried

out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 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.

- 11 Prior to first use/ occupation the acoustic fencing as indicated on plan number 6502-SK51-REV E shall be installed as indicated on plan 6502-SK51-REV E and plan 6502-SK58 REV C. Following installation the fence shall be retained in accordance with the approved details unless the prior written consent of the Local Planning Authority is obtained for any variation of the approved details or specifications.

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, 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

Vision Policy HV1 - Presumption in Favour of Sustainable Development

Development Management Policy DM7 Sustainable Design and Construction

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

Development Management Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Vision Policy HV9 - General Employment Areas - Haverhill

Development Management Policy DM44 Rights of Way

Development Management Policy DM46 Parking Standards

Development Management Policy DM13 Landscape Features

Development Management Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

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Core Strategy Policy CS3 - Design and Local Distinctiveness

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 Any works to a watercourse (i.e. main river, ordinary watercourse, ditches, dykes, cuts) require separate permits or consents from the local drainage authority before construction takes place. Please contact the following drainage authority if works affect:-
 - Main river – may require environmental permit from the Environment Agency
 - Non-main river – may require land drainage consent under section 23 of the Land Drainage Act 1991 either from the Lead Local Flood Authority or IDB.
- 7 Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991, Any discharge to a watercourse or groundwater
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needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment may be subject to payment of a surface water developer contribution. Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act. Any works to a main river may require an environmental permit.

- 8 The submitted landscaping plans hereby approved are considered acceptable and satisfy the requirement for the reserved matter pertaining to landscaping to be submitted to and approved in writing by the local planning authority (as required by condition 2 of DC/15/2424/OUT). It is noted that condition 10 of the outline planning application (DC/15/2424/OUT), also requires landscaping details to be submitted to and approved in writing by the local planning authority. It is considered that the landscaping details as submitted, in relation to the application site (unit 6, formerly unit 2), satisfy both conditions 2 and 10 of the outline permission in this regard and no further details are required in this regard.
- 9 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/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/> County Council drawings DM01 - DM14 are available from: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/> 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.

Rachel Almond

Rachel Almond
Service Manager (Planning - Development)

Date: 18 May 2022

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.