

St. Edmundsbury Borough Council

Application No: DC/15/2424/OUT

TOWN AND COUNTRY PLANNING ACT 1990

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

AGENT

Stutchbury Associates Limited
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APPLICANT

Hammond Rutts Investments Ltd
Unit A Brunel Court
Bushey
Hertfordshire
BS40 6AD

Date 30th November 2015
Registered:
Date of 27th September 2016
Decision:

PROPOSAL

Outline Planning Application (Means of Access included). - Cross Boundary Application - Development of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.

LOCATION

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

OUTLINE permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the application shown above, the plans and information contained in the application, and subject to compliance with the following condition(s) and the submission of 'Reserved Matters':

- 1 a) The first application for the approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

b) The commencement of each phase or plot pursuant to this outline planning permission shall begin before the expiration of two years from the date of the last reserved matter of that phase or plot to be approved.

c) Application(s) for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall be commenced within a phase or plot until details of the appearance, landscaping, layout, parking and scale (hereinafter called 'the reserved matters') relating to that phase or plot have been submitted to and approved in writing by the Local Planning Authority. The development of each phase or plot shall be carried out in accordance with the approved 'reserved matters'.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 and Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans Nos 151707/A/08 - Site Access NW2 from Bumpstead Road

Reason: To ensure the satisfactory development of the site.

- 4 No more than 50% of the site or 23,000 square metres of floor area (whichever comes sooner), shall be occupied until a 1.8 metre wide footway has been provided on the east side of Bumpstead Road between the existing footway south of Helions Bumpstead Road and north of Hollands Road in accordance with details which shall previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure safe and suitable access to the site is provided for pedestrians and to encourage sustainable transport.

- 5 No part of the development in the area identified as NW2 on the submitted Indicative Framework Plan shall be commenced until details of the proposed access to Bumpstead Road (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the occupation of any building served from this access. Thereafter, the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

- 6 Before the development is commenced in respect of any individual phase or plot, 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. 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.

- 7 All HGV traffic movements associated with site construction to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site contractor shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

- 8 Before the development is commenced in respect of any individual phase or plot, details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

- 9 The lux level of the lighting at ground level at the highway boundary shall not exceed 1 lux.

Reason: In the interests of road safety to prevent uneven light levels on the highway and to prevent light pollution.

- 10 No development shall take place in respect of any road/footpath or plot/part plot until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for that part of the site drawn to a scale of not less than 1:200, which shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement 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. (See Note 13)

Reason: To enhance the appearance of the development and to ensure that the most important and vulnerable trees are adequately protected during the period of construction.

- 11 The approved scheme of landscaping in respect of each plot/part plot of the development shall be implemented not later than the first planting season following the commencement of development on the plot to which it relates (or within a specific time scale as may 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.

- 12 Unless otherwise agreed in writing with the Local Planning Authority, except for that part which must be removed to permit the construction of the vehicular access in accordance with the conditions of this permission, the existing roadside hedge shall be retained at a height no lower than that which shall first have been agreed in writing with the Local Planning Authority. Any of the existing hedge removed without such consent, dying, being severely damaged or becoming seriously diseased within five years of the access being first brought into use shall be replaced during the first available planting season with planting of a size and species which shall have previously been agreed in writing by the Local Planning Authority.

Reason: To maintain so far as is possible the appearance of the locality.

- 13 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all soft landscape areas together with a timetable for the implementation of the landscape management plan, shall be submitted to the Local Planning Authority at the same time as the details of the soft landscaping for consideration as part of the hard and soft landscaping scheme (referred to in Condition [10] above). The landscape management plan shall be carried out in accordance with the approved details and timetable.

Reason: To enhance the appearance of the development.

- 14 No plant or equipment including any heating installations, air conditioning plant or extract ventilation systems, at each unit, including any odour control measures to be installed, shall be installed externally onto the units hereby approved until details thereof have first been submitted to and approved in writing by the Local Planning Authority. The details shall include specifications of the design, location and screening (noise and visual) of the proposed plant or equipment. The plant or equipment shall be installed in complete accordance with the approved details before being first brought into use. Following installation the plant or equipment shall be retained in accordance with the approved details.

Reason: To protect the amenities of occupiers of properties in the locality in accordance with the NPPF and policies DM2 and DM14 of the Joint Development Management Policies Document (2015).

- 15 No building or site hereby permitted shall be brought into use until all audible alarms to all doors, loading bays and vehicles kept on site, including fork lift trucks requiring audible alarms, have been fitted with broadband (white noise) alarms/broadband (white noise) reversing alarms respectively, details of which first shall have been submitted to the Local Planning Authority before occupation. The approved details shall be implemented and maintained on existing and replacement doors and vehicles unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenities of occupiers of properties in the locality in accordance with the NPPF and policies DM2 and DM14 of the Joint Development Management Policies Document (2015).

- 16 All lighting installations to be provided at the site, including those within the car and lorry parking areas, shall be positioned so as not to cause any glare to the residential properties in the vicinity of the site.

Reason: To protect the amenities of occupiers of properties in the locality in accordance with the NPPF and policies DM2 and DM14 of the Joint Development Management Policies Document (2015).

- 17 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall commence within the area identified as NE2 on the submitted Indicative Framework Plan until a scheme that includes the following components to deal with the risks associated with contamination, if present on the site and hazardous ground gases shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

- 18 No occupation of any part of the permitted development within the area identified as NE2 on the submitted Indicative Framework Plan shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring

carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

- 20 Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

Reason: To reduce the risk of pollution to the water environment

- 21 No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented at such time(s) as may be specified in the approved scheme/ before any part of the development is first brought into use/ before the building to which it relates is first brought into use and thereafter the scheme shall be managed and maintained in accordance with the approved details. Those details shall include:
- i. a timetable for its implementation, and
 - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To reduce the risk of flooding.

NOTES:

- 1 References in this Notice to the Replacement Local Plan and to the Core Strategy are references to the Replacement St Edmundsbury Borough Local Plan 2016 and the St Edmundsbury Core Strategy December 2012 as supported by Supplementary Planning Document 'Development Design and Impact' September 2011.
- 2 Any failure to adhere to approved plans or to comply with any conditions or limitations 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 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 Borough Council's website (www.westsuffolk.gov.uk). A fee of £28 for a householder application or £195 for all other applications will be required in order to register the application.
- 5 This permission is the subject of a Unilateral Obligation dated **** under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991.
- 6 In accordance with the Regulation 11D of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2008, a fee of £97 will be charged for each request for the discharge of a condition(s) attached to this planning permission. The fee will need to be submitted with each request. Cheques should be made payable to St Edmundsbury Borough Council.
- 7 The responsibility for the safe development and secure occupancy of the site rests with the developer. If contamination is found on the site that was not previously identified, the Borough Council's Environmental Health Department should be contacted as a matter of urgency to discuss the situation.

- 8 The St. Edmundsbury Borough Council as Local Planning Authority in approving the application is aware of the possible existence of made-up ground on, or beneath the site, and does not accept any liability on the part of the Borough Council, its Members or Officers for any subsidence or building failure which may occur. It is for the developer to satisfy him/herself that the safety of the buildings is ensured in accordance with the Building Regulations and that foundations are designed to take account of ground conditions.
- 9 This planning permission does not authorise any interference with, or disturbance of, any right of way which crosses the site. If a diversion or stopping-up of a right of way is required this must be resolved between the parties concerned.
- 10 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 works 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's West Area Highway Manager should be contacted at West Suffolk House, Western Way, Bury St Edmunds IP33 3YU. (Tel: 01284 758868). A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and any improvements deemed necessary to existing vehicular crossings due to the proposed development.
- 11 The Local Planning authority recommends that developers should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of estate roads.
- 12 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.
- 13 In the event that the landscaping scheme referred to in Condition **** includes the carrying out of planting within the curtilage of any dwelling the purchaser of that property may become responsible for the carrying out of the approved landscaping in so far as it relates to that property, should those works not have been carried out by the developer, and for its subsequent maintenance.
- 14 For the purposes of Condition 10, the submitted scheme of soft landscaping should include the principles established by the existing development at

Bumpstead Road/Iceni Way/Phoenix Road with continuous tree and hedge planting to all road frontages.

- 15 The Environment Agency advises that materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.
- Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations. It is advised that polluting materials and chemicals are stored in an area with sealed drainage.
- 16 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 17 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.
- 18 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 the application could be approved without negotiation or amendment so there was no need to work with the applicant.



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Steven Wood
Head of Planning and Growth

Date: 27 September 2016

St. Edmundsbury Borough Council

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 www.planningportal.gov.uk/pcs. 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.