

# St. Edmundsbury Borough Council

Application No: DC/16/2755/FUL

## APPLICANT

Radford Homes - Mr Chris Read  
Unit A  
Homefield Road  
Haverhill  
CB98QP  
Suffolk

Date Registered: 10 January 2017

Date of Decision: 6 September 2017

## Town and Country Planning Act 1990

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

**Proposal: Planning Application - Renovations and extensions to allow change of Public House (Class A4) to form 17no residential flats (Class C3) and 2no units for retail, commercial or Offices (Class A1, A2 or B1) and associated external works to remodel and extend the existing car park.**

**Location: The Vixen, Millfields Way, Haverhill, Suffolk, CB9 0JB**

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 approved plans, specifications and information contained in the application, and subject to compliance with the following condition(s):

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

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

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

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
A360/C/DS/01	Drainage Plans	14.12.2016
A360/C/DS/02	Drainage Plans	14.12.2016
A360/C/TR/01	Travel Plan	14.12.2016
P003	Existing plans	14.12.2016
P007	Sections	14.12.2016
RH101_SW_210 REV00	Proposed Elevations	08.08.2017
RH101_SW_100 REV00	Proposed Plans	08.08.2017
RH101 P005 REV 05	Other	19.06.2017
RH101 P006 REV 01	Other	20.06.2017
RH101 P001 REV04	Location Plan	30.06.2017
ACCOMMODATION SCHEDULE	Other	08.08.2017
RH101 P004 REV 04	Proposed Site Plan	13.04.2017

- 3 No part of the development shall be commenced until the highway verge has been stopped up in accordance with Drawing No. RH101-P005-01.

Reason: To enable the land required for the necessary parking to be brought forward as part of the development.

- 4 Full details of the retaining wall and other relevant highway features shall be submitted to the local planning authority and agreed in writing before work on those features commences. All work shall be completed in accordance with the approved details prior to the first occupation of any of the residential flats hereby approved.

Reason: To ensure that the retaining wall and highway verge are designed and constructed to an appropriate specification and are brought into use before first occupation, in the interests of highway safety.

- 5 The site construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring areas in accordance with policy DM2 of the Joint Development Management Policies Document.

- 6 The acoustic insulation of each dwelling within the proposed development shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35 dB(A) within bedrooms and living rooms between the

hours of 07:00 to 23:00 and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

Reason: To ensure adequate levels of amenity for future occupants in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

- 7 Prior to occupation of any of the proposed retail, commercial or office units, full details of any external plant or equipment to be installed, including any odour or noise mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure adequate levels of amenity for future occupants in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

- 8 Deliveries to the retail, commercial or office units shall be limited to between 8.30am and 5.00pm on Mondays to Saturdays only. No form of servicing or deliveries to the retail units shall take place at any time on Sundays, Bank or Public Holidays.

Reason: To ensure adequate levels of amenity for future occupants in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

- 9 No above ground construction shall take place until details of the facing and roofing materials to be used have been 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 ensure that the external appearance of the development is satisfactory.

- 10 Prior to first occupation, at least 10% of car parking spaces in private residential parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The electric vehicle charge points shall be retained thereafter.

Reason

To promote and facilitate the uptake of electric vehicles on the site in order to enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraph 35; Policy DM2 (k) of the Joint Development Management Policies Document and Policy CS2 (E) of the Core Strategy.

- 11 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in

Part G of the Building Regulations has been complied with for that dwelling.

Reason: In the interests of sustainability in accordance with policy DM7 of the Joint Development Management Policies Document 2015.

- 12 No above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard landscaping for the site drawn to a scale of not less than 1:200.

The hard landscaping details shall include access roads and pedestrian paths, parking spaces, means of enclosure and any external lighting. The approved scheme of hard landscaping works shall be completed prior to the first occupation of any of the dwellings hereby approved.

Reason: To enhance the appearance of the development in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

- 13 No above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following 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 in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

- 14 The access shall be completed in all respects in accordance with Drawing No.RH101\_SW\_100 REV00; with an entrance width as existing and be available for use before first occupation. Thereafter it shall be retained in its approved form. During the construction phase the existing access and parking space shall be retained at all times. Parking allocation shall be retained at a minimum of 75% of its existing capacity, i.e 18 spaces.

Reason: In the interests of highway safety to ensure the existing access is retained and avoid reduced parking capacity which could cause parking on the highway which would be detrimental to highway safety.

- 15 Prior to any above ground construction taking place, details of the areas to

be provided for the 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.

- 16 Before the access is first used visibility splays shall be provided as shown on Drawing No. RH101-P004-04 with an X dimension of 2.4m and a Y dimension of 43m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

- 17 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. 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.

- 18 All HGV and construction traffic movements 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 operator 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.

- 19 No above ground construction shall take place until a scheme for the

provision of fire hydrants within the application site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for fire fighting/community safety.

The Following policies are considered relevant to the current decision:

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy  
Core Strategy Policy CS2 - Sustainable Development  
Core Strategy Policy CS3 - Design and Local Distinctiveness  
Core Strategy Policy CS7 - Sustainable Transport  
Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision  
Core Strategy Policy CS12 - Haverhill Strategic Growth  
Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Vision Policy HV1 - Presumption in Favour of Sustainable Development  
Vision Policy HV2 - Housing Development within Haverhill  
Vision Policy HV8 - New and Existing Local Centres and Community Facilities

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 DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance  
Development Management Policy DM11 Protected Species  
Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity  
Development Management Policy DM22 Residential Design  
Development Management Policy DM35 Proposals for main town centre uses  
Development Management Policy DM36 Local Centres  
Development Management Policy DM41 Community Facilities and Services  
Development Management Policy DM46 Parking Standards

#### Informatives:

- 1 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.

- 2 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](mailto:building.control@westsuffolk.gov.uk). They will work with you offering competitive fee quotations and pre-application advice upon request.
- 3 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.
- 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 council's website at [www.westsuffolk.gov.uk](http://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 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 time was sought to resolve issues regarding parking and highways land.
- 6 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.
- 7 If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

- 8 This permission is the subject of an Obligation dated 31st August 2017 under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991.

*David Collinson*

David Collinson  
Assistant Director - Planning & Regulatory Services

Date: 6 September 2017



# 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 <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.

\*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.