

St. Edmundsbury Borough Council

TOWN AND COUNTRY PLANNING ACT 1990

Application No: DC/14/2207/FUL

TOWN AND COUNTRY PLANNING

(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

AGENT

Marrons Planning - Mr Brian A Mullin
Marrons Planning 1 Meridian South
Meridian Business Park
Leicester
East Midlands
LE19 1WY

APPLICANT

Fordhams Garage & Central England
Co-operative Society Ltd
C/o Agent

Date Registered: 25th November 2014

Date of Decision: 20th January 2015

PROPOSAL

Planning Application - Change of use of existing garage to storage for a Class (A1) convenience foodstore including part demolition of part of the garage to allow construction of 280sqm of new Class (A1) convenience foodstore and demolition of the canopy forecourt to create car parking spaces (Revised scheme of SE/13/0604/FULCA); as amplified by update to Planning Statement and Retail Statement received 17th December 2014 and as revised by proposed layout plan 9252-90-03 rev E received 19th January 2015 and agent's email sent 16 January 2015 confirming parking spaces 1 and 2 will be reserved for staff.

LOCATION

A G W Fordham & Son Ltd , High Street, Ixworth, Bury St. Edmunds, IP31 2HN

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.

Ref:	Version	Document Type	Date
9252-20-02		Existing Elevations	25.11.2014
9252-20-03		Existing Floor Plans	25.11.2014
9252-90-01	B	Proposed Elevations	25.11.2014
9252-90-04	C	Proposed Floor Plans	25.11.2014
9252-90-03	E	Proposed Site Plan	19.01.2014

- 3 The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plan / drawing number(s) - 9252-20-01 rev B received 25 November 2014.

Reason: To ensure that the external appearance of the development is satisfactory.

- 4 The facing bricks to be used shall match in type, colour and texture those on the existing building .

Reason: To ensure that the external appearance of the development is satisfactory.

- 5 The premises shall not be open for customers outside the following hours:

07:00-22:00 Monday - Saturday

08:00-22:00 Sundays and Bank/Public Holidays

Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality

- 6 Deliveries to the premises shall only be permitted between the hours of 07:00-22:00 Mondays to Saturdays and 10:00-22:00 on Sundays.

Reason: To protect the amenities of occupiers of properties in the locality.

- 7 Collection and/or emptying of waste receptacles shall only take place between the hours of 07:00-22:00 Monday to Saturdays and 10:00 to 22:00 Sundays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 8 The working hours during demolition of any existing buildings and construction of the new build shall be restricted to 08:00 to 18:00 Mondays to Fridays and 08:00-13:00 Saturdays; and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 9 Prior to commencement of the use hereby permitted, details of any ventilation/extraction equipment, refrigeration plant and air conditioning systems, shall be submitted to Local Planning Authority for approval in writing. The submission shall include details of noise levels and an assessment of noise impact at the nearest residential receptors. Once approved, the equipment shall be installed, operated and maintained in accordance with the approved details.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 10 If any system is installed for the extraction of cooking odours, then prior to the commencement of use, details of the filtration system, or any other method of odour control, shall be submitted for the written approval of the Local Planning Authority. Once approved, the measures shall be implemented in accordance with the scheme and retained thereafter.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 11 The use shall not commence until the area(s) within the site shown on drawing no. 9252-90-03 E for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

- 12 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 9252-90-03 E and made available for use prior to occupation. Thereafter the access shall be retained in the specified 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

- 13 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access.
Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (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 to take avoiding action

- 14 Before the development is first occupied the vehicle turning space shown on the drawing no. 9252-90-03 E (HGV turning area behind store) shall be provided in its entirety and shall be retained thereafter in its approved form and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

- 15 The light source of any floodlights or similar exterior lighting provided in association with the development shall not be visible from any highway, either local or distant, in order to avoid disability or discomfort glare for either pedestrians or motorists.

Reason: In the interests of highway safety and in order to avoid disability or discomfort glare for either pedestrians or motorists.

- 16 The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 9252-90-03 E shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

- 17 Prior to commencement of the hereby permitted use the Pedestrian Crossings shown on drawing 9252-90-03 E shall be provided and thereafter retained.

Reason: To ensure satisfactory access is provided for the safety of the public.

18 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

A) all previous uses

B) potential contaminants associated with those uses

C) a conceptual model of the site indicating sources, pathways and receptors

D) 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 controlled waters (particularly the underlying Principal Aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3)

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 controlled waters (particularly the underlying Principal Aquifer) from potential pollutants in line with Environment Agency Groundwater Protection: Principles and Practice (GP3) See also Reason for condition 17.

- 19 No occupation of any part of the permitted development 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 controlled waters (particularly the underlying Principal Aquifer) from potential pollutants in line with Environment Agency Groundwater Protection: Principles and Practice (GP3) See also Reason for condition 17

- 20 Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Principal Aquifer) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3). The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 21 Piling or any other foundation designs / investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Principal Aquifer) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater

Protection: Principles and Practice (GP3). Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. See also Reason to condition 17.

- 22 The use hereby permitted shall not be commenced until details of the travel arrangements to and from the site for deliveries, in the form of a Routing Plan, has been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented and thereafter adhered to.

Reason: To protect the amenities of occupiers of properties in the locality

- 23 No development shall be commenced until details of the design, height and materials of the security fencing to be erected have been submitted and agreed in writing.

Reason: To ensure the satisfactory development of the site.

- 24 Parking spaces 1 and 2 shall be reserved for staff parking in accordance with the agent's email sent 16 January 2015 and Highways email sent 16 January 2015.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

NOTES:

- 1 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's West Area Manager must be contacted on Tel: 01284 758868. For further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/ 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.

2 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.

3 If during the development contamination is encountered which has not previously been identified then the Environment Team should be contacted as soon as possible.

It should be made aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

4 The comments of the Environment Agency are attached for information purposes. Should you have any query about the matters referred to in the letter you should contact the Environment Agency


5 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.

6 The development/work hereby permitted may be subject to the requirements of the Building Regulations 2000 and advice may be sought from the Council's Building Control Manager. In the event that the scheme has to be modified to comply with the Building Regulations or other legislation it may be necessary to submit revised plans for consideration as an amendment to this permission/consent or in certain circumstances to submit a revised application. No development/work should be carried out until all necessary permissions/consents have been obtained.

7 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990 or under any covenant.

8 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.

- 9 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.
- 10 In accordance with the 'National Planning Policy Framework' the Council confirms it has implemented the requirement to work with the applicant in a positive and proactive way.


DNB

Steven Wood
Head of Planning and Regulatory Services

Date:20 January 2015