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Babergh District Council
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PLANNING PERMISSION

Town and Country Planning Act 1990

Correspondence Address:

Optimum Building Design Ltd
Nags Corner
Nayland
COLCHESTER
CO6 4LT

Applicant: Mr Mr S Turner & Mrs H
Bellingham-Tuner

Part 1 - Particulars of Application

Date of application: 14 August 2012
Date Received: 15 August 2012

Application No: B/12/01024/FUL/JD

Particulars and location of development:

Change of use from residential to mixed use (A1, A3 and C3) including associated alterations, and conversion of existing garage to kitchen preparation area and toilets as amended and amplified by agent's letter dated 4 December 2012 amending description to change of use to mixed Class A3 and Class A4 use and conversion of garage to storage, plant and WC use, together with other changes to the proposals as set out in an 'Additional Information' document and a revised Design and Access Statement together with amended plans numbered 915/05A, 06A, 07A, 08A, 09A, 10A and 11A.

10 Lady Street, Lavenham, SUDBURY, CO10 9RA

Part 2 - Particulars of decision

The **Babergh District Council** hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The hereby permitted mixed Class A3/A4 use shall only operate between the hours of 10.00 and 23.00 hours on Mondays to Fridays, Sundays and Bank Holidays and between the hours of 10.00 and 24.00 hours (midnight) on Saturdays.
3. No music shall be played in association with the mixed Class A3/A4 use on the premises in such a way as to be audible within any adjoining premises.
4. Prior to the commencement of any works details of exact siting of the smoke detectors, heat detectors, fire exit signs, call points and sprinklers as shown indicatively on plans 915/05C and 06C shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as approved.
5. Prior to the commencement of the use a 1.8 metre high timber fence and gate shall be erected to enclose the proposed Guest Suite Garden behind 7-9 Water Street as shown on plan 915/05C and in accordance with details of its detailed design and colour finish which shall have previously been submitted to and approved in writing by the Local Planning Authority. The Guest Suite Garden area so enclosed shall not be

used for any purpose associated with the approved Class A3/A4 use on the ground floor of 10 Lady Street.

6. The use shall not commence until the area within the site shown on the block plan drawing 915/06C for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.
7. Prior to the commencement of development details of the proposed gated enclosure to the refuse storage area shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.
8. Prior to the commencement of any works details of the proposed door and surround forming the entrance to the owners' first floor flat shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.
9. Prior to the commencement of works details of proposed alterations to the garage building including detailed drawings of the design, materials and colour finish of new doors and steps, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plans.
10. Prior to the use hereby approved commencing, a management plan for the use and operation of the mixed Class A3/A4 use to address potential noise and disturbance to nearby residents, shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall set out measures among others to encourage customers to leave quietly at closing time, control of use of outdoor areas, the playing of music, management of deliveries and refuse storage. The plan shall be implemented as agreed thereafter unless otherwise approved in writing by the Local Planning Authority.
11. The areas within the building to be used for the consumption of food and drink within the mixed Class A3/A4 use hereby approved shall be limited only to those rooms labelled Public Areas 1-4 and the Public Area Courtyard on drawing 915/05C unless otherwise agreed in writing by the Local Planning Authority.

Notes to Applicant:

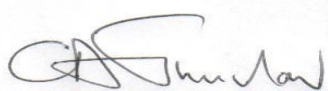
1. The applicant is advised that the development should be carried out in accordance with the approved drawings. Any proposed alteration to the drawings hereby approved should be discussed with the Council first. For the avoidance of doubt, the approved plans are site location plans and drawings 915-01A,02,03,04,05C,06C,07A,08A and 09A received on the 20 August 2012, 4 December 2012, 13 February 2013 and 26 February 2013.
2. This permission contains conditions that have to be discharged before the development or use commences. If you do not comply with the condition precedent you could invalidate this permission. A condition precedent cannot legally be complied with retrospectively and a new application could be required. There is normally a charge applicable per request to discharge a condition of a planning permission. The applicant/developer is therefore advised to submit relevant details for all conditions in a single request.
3. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2010 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 amendments were secured to the proposals in respect of the proposed layout, signage, use of garden areas, waste storage area and sprinkler system.
4. You are advised that separate consent under the Advertisement Regulations is required for the display of external illuminated signage on the building.

The reason(s) for the imposition of the said condition(s) is/are:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. In order to control the opening hours in the interests of safeguarding the amenity of neighbours.
3. In order to safeguard the amenity of neighbours.
4. In order to ensure that the fittings are located in the most appropriate positions having regard to the need to protect the special interest of the listed building.
5. In order to safeguard the amenity of neighbours.
6. 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.
7. In order to ensure the details are satisfactory having regard to the impact on the setting of the listed building and the Conservation Area.
8. -9 In order to ensure the details are satisfactory and having regard to their impact on the special interest of the listed building.
10. In order to safeguard the amenity of neighbours.
11. For the avoidance of doubt as to the extent of areas to be used for the public consumption of food and drink within the building and having regard to the amenity of neighbours and the listed building.

Summary of Reasons for Approval:

1. The proposed development has been assessed against saved policies EM01, CN01, CN06, CN08 and TP15 of the Babergh Local Plan Alteration No.2. and emerging policies in the draft Core Strategy particularly CS1, CS2, CS6, CS10 and C12. The change of use is acceptable in principle particularly given the location of the premises close to the centre of the village, which is designated as a Sustainable Village in the Local Plan and a Core Village in the Core Strategy. It would generate additional commercial activity in the village providing an economic and employment benefit to the area. Whilst the use is likely to generate some additional demand for parking on surrounding roads, it is not considered that this would it traffic generated in connection with the proposed use would be likely to cause unreasonable congestion or loss of amenity. The proposed commercial use subject to conditions limiting opening hours, music, the use of external areas, and external plant and the management of customers would not be likely to cause harm to the detriment of neighbour amenity. The proposed alterations to the listed building are limited and would not harm the special interest of the listed building.



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Date: 06 March 2013