

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Nick Peasland Architectural Services Limited
2 Hall Cottages
Assington Park
Assington
Sudbury
CO105LQ

Applicant:

Rogerson Holdings Limited
Church Field House
Church Field Road
Sudbury
CO10 2YA

Date Application Received: 16-Oct-19

Application Reference: DC/19/04892

Date Registered: 22-Oct-19

Proposal & Location of Development:

Planning Application - Erection of 6no. dwellings, partial demolition and conversion of New Hall to 1no. dwelling including the change of use to commercial design studio/gallery (following demolition of the existing buildings with the exception of the façade of Victoria Hall fronting Prince Street)

Victoria Hall/Conservative Club/New Hall, , 39 And 41 Prince Street/New Street, Sudbury, CO10 1HZ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2573-01 received 16/10/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Proposed Plans and Elevations 2573-06 A - Received 04/11/2019

Defined Red Line Plan 2573-01 - Received 16/10/2019

Floor Plan - Proposed 2573-04 A - Received 04/11/2020

Elevations - Proposed 2573-05 B - Received 04/11/2020 (with the exception of the New Street-facing materials for the Conservative Club building)

Proposed Site Plan 2573-07 A - Received 04/11/2020

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

With the exception of the New Street-facing elevation of the Conservative Club building (where the materials shall comply with the provisions of Condition 8), the development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. PHASING

Prior to the commencement of development, the applicant shall submit, to the Local Planning Authority's satisfaction, a scheme of phasing for the proposed works. The development shall than comply with this phasing.

Reason: In order to ensure an orderly development and to avoid a situation whereby demolition is not swiftly followed by rebuilding.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No development/works shall be commenced above slab level, unless otherwise approved in writing by the Local Planning Authority, until samples of the external facing and roofing materials to be used in construction, together with details of the manufacturers of those materials have been placed on site for inspection by officers of the Local Planning Authority and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Note: The Local Planning Authority requires 14 days written notice of materials being provided on site. If provision on site is not possible, please contact the Local Planning Authority to organise an alternative location. Materials will not be accepted at the council offices.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

5. SUBMISSION OF DETAILS

Prior to the commencement of development above slab level, the applicant shall submit, to the satisfaction of the Local Planning Authority, detailed drawings of proposed fenestration and other architectural details, to a scale of 1:10 - 1:50 as appropriate. The development shall comply with these details.

Reason: In the interests of visual amenity in this conservation area setting.

6. ACTION REQUIRED PRIOR TO SLAB LEVEL: HARD SURFACE DETAILS

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard landscaping works for the site, the development shall comply in all respects with these details.

Reason - In the interests of visual amenity and the character and appearance of the area.

7. ACTION REQUIRED PRIOR TO SLAB LEVEL: BOUNDARY TREATMENT

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority, a scheme of boundary treatment for the site. This treatment shall be in place prior to the occupation of any of the dwellings hereby approved and shall be retained at all times, with no other boundary treatment being installed.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

8. CONSERVATIVE CLUB - GAULT BRICK

Notwithstanding the details of the drawings hereby approved, the New Street-facing elevation of the Conservative Club building shall be built in gault brick, the details of which shall be submitted to the Local Planning Authority to its satisfaction.

Reason: In the interests of visual amenity in this conservation area as the current building is gault, as opposed to the initially-proposed red.

9. ELECTRIC VEHICLE CHARGING POINTS

Prior to the commencement of development above slab level, the applicant shall submit, to the satisfaction of the Local Planning Authority, details of Electric Vehicle charging points. These shall be supplied prior to the occupation of any of the dwellings hereby approved and shall be retained at all times.

Reason: In the interests of encouraging more sustainable methods of travel.

10. ACTION REQUIRED PRIOR TO USE/OCCUPATION - HIGHWAYS: PROVISION OF PARKING.

The buildings hereby approved shall not be occupied until the area within the site shown on Drawing 2573/07/ rev A, listed under Section A for the purposes of manoeuvring and parking of vehicles has been provided and made functionally available. Thereafter that area shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.

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

11. ACTION REQUIRED PRIOR TO FIRST OCCUPATION OF DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS

Prior to the first occupation of the development details of the areas to be provided for storage of Refuse/Recycling bins and any associated collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided in their entirety before the development is first occupied 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.

12. VICTORIA HALL FACADE - SCHEME

Prior to the commencement of any development (including demolition), the applicant shall provide, to the satisfaction of the Local Planning Authority, details of the proposed method statement to preserve the Victoria Hall Facade *in situ*. All works shall comply with this method statement.

Reason: To ensure the preservation of this retained part of the non-designated heritage asset in the interests of visual amenity in this sensitive conservation area.

13. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PROVISION OF CYCLE PARKING

Prior to the commencement of development details of the areas to be provided for cycle parking/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 first use/occupied and shall be retained thereafter and remain free of obstruction except for the purpose of cycle parking/storage and used for no other purpose.

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 storage of bicycles in the interests of promoting sustainable forms of travel

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres
CN01 - Design Standards
CN08 - Development in/near conservation areas
HS28 - Infilling/Groups of dwellings
SD08 - Sudbury Town - North St/Gainsborough Rd Junction
TP15 - Parking Standards - New Development
EM24 - Retention of Existing Employment Sites
NPPF - National Planning Policy Framework

NOTES:

1. Babergh District Council has paid special attention with regard to its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding the harm due to the loss/partial loss of the existing non-designated heritage assets and the concomitant harm to the character and appearance of the designated asset that is the Conservation Area; the economic and social and benefits, as well as the replacement of derelict buildings with newly-built ones (with the resultant visual improvements to the conservation area) will lead, overall, to preservation of the character and appearance on the conservation area. The development, therefore, complies with local heritage policies and the NPPF. The proposal complies with the development plan as a whole and there are no considerations that indicate otherwise.

2. SUGGESTED SOUND INSULATION

The applicant is advised that the residential accommodation should be constructed so as to provide sound insulation against external noise to achieve internal noise levels not exceeding 30dB LAeq (night) and 45 dB LAm_{ax} (measured with F time weighting) for bedrooms, and 35dBA LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided.

3. HOURS OF OPERATION

The applicant is advised that hours of operation during the ground works/demolition/construction period, including deliveries to/from site should be limited to 08.00 - 18.00 Monday - Friday, 09.00 - 13.00hrs Saturdays, with no working on Sundays or Public holidays; and that, during any ground works/demolition/construction, there shall be no burning of materials on the site.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice

on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/19/04892

Signed: Philip Isbell

Dated: 18th March 2021

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

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/modelnotification-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 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.