



PLANNING STATEMENT

Proposal: Change of Use to Vehicle Servicing, Maintenance and Repair Garage (Use Class B2) with Associated External Building Alterations

Site: The Pine House Company, Ixworth Road, Stowlangtoft, Bury St Edmunds IP31 3JS

April 2022

REPORT INFORMATION

Site: The Pine House Company, Ixworth Road, Stowlangtoft, Bury
St Edmunds IP31 3JS

Applicant/Client: RUMAC Ltd

Date: April 2022

Local Planning Authority: Mid Suffolk District Council

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CONTENTS

1.0 INTRODUCTION	4
2.0 SITE AND SURROUNDINGS	4
3.0 PROPOSAL	5
4.0 LEGISLATION AND POLICY CONTEXT	5 – 8
5.0 PLANNING ASSESSMENT	8 – 11
6.0 PLANNING BALANCE AND CONCLUSION	11 - 12

1.0 Introduction

- 1.1 This Planning Statement is prepared by Locus Planning on behalf of Rumac Ltd (“the Applicant”) in support of an application for full planning permission at The Pine House Company, Ixworth Road, Stowlangtoft (“the Site”). The application is for the change of use of the Site to a vehicle servicing, maintenance and repair garage together with associated external building alterations. The application falls to be determined by Mid Suffolk District Council (the local planning authority).
- 1.2 This Statement forms part of a suite of documents submitted in support of the planning application. The report provides a description of the site and its surroundings; details the proposal; and assess the proposed development against national and local policy and other material planning considerations that are relevant to the determination of the application.
- 1.3 It will be demonstrated that the development is acceptable for reasons including its compliance with the development plan when viewed as a whole, national planning policy, and the absence of any material harm sufficient to outweigh the benefits of allowing development to proceed.

2.0 Site and Surroundings

- 2.1 The Site is formed by a vacant commercial building and associated land situated on the western side of Ixworth Road (A1088); a classified highway that continues northward to the A143 and southward to the A14. Agricultural land bounds the Site to the west whilst existing housing lies to the north and south.
- 2.2 Although most recently occupied as a retail outlet, the general appearance of the Site and the construction of the existing building largely reflects its previous longstanding use as a commercial garage. Access and egress is provided via an ‘in-out’ entrance and exit from Ixworth Road whilst car parking is accommodated by an area of hardstanding at the front of the Site.
- 2.3 The Site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The site is not within or adjacent to a Conservation Area (and no listed buildings nearby would be impacted by the development). Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Air Quality Management Area, Local Green Space, Special Landscape Area, or any other area designated locally or nationally for environmental quality. Thus, the Site is not within or adjacent to any area designated locally or nationally for its environmental quality and the Site and its surroundings are not subject to any particular constraint or designation that would lend to a conclusion that the environs are particularly sensitive or vulnerable to change.

3.0 Proposal

- 3.1 Full planning permission is sought for the change of use of the site – currently retail – to a Class B2 general industrial use. No new built development is proposed with only a small number of minor internal and external alterations. There would be no infringement upon any public rights of way or access. Access would be taken from Ixworth Road, as existing.
- 3.2 Permission is sought for an intended occupier who operates a vehicle servicing and repair garage locally, albeit outside of the District. The application represents an inward investment to the District where the business seeks to relocate so to secure a long-term premises and the potential to expand. The business currently employs six staff and it is anticipated that implementation of the proposed development will generate the potential for a further two jobs.

4.0 Legislation and Policy Context

4.1 The Determination of Applications

4.2 In determining an application for planning permission, Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to have regard to the provisions of the development plan so far as is material to the application, and to any ‘other material considerations’. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. Thus, the development plan is the starting point, but not the end point, for decision taking.

4.3 The policies contained within the National Planning Policy Framework (“NPPF”) are a material consideration and must be taken into account for decision making purposes in accordance with those duties as set out. The NPPF is supported by the national Planning Practice Guidance (“PPG”), which assists applicants and decision makers to interpret the NPPF. The PPG remains a material consideration in the assessment of planning applications.

4.4 The Development Plan

4.5 The development plan includes the following documents:

- Mid Suffolk Core Strategy Focused Review 2012
- Mid Suffolk Core Strategy 2008
- saved policies from the Mid Suffolk Local Plan 1998

4.6 The most important policies for the determination of the application are considered to be:

- FC1.1 – Mid Suffolk approach to delivering Sustainable Development
- FC3 – Untitled (Supply of Employment Land)
- CS2 – Development in the Countryside
- H16 – Protecting Existing Residential Amenity
- CL18 – Change of use of Agricultural/Rural Buildings to non-Residential Uses
- E10 – New Industrial and Commercial Development in the Countryside
- E11 – Re-use and adaptation of Agricultural and other Rural Buildings
- E12 – General Principles for Location, Design, and Layout of Industrial and Commercial Development
- T10 – Highway Considerations in Development

4.7 Taken in the round the above policies are considered to be up to date with the exception of policy FC3 because of the datedness of it and lack of further allocations or settlement boundary review in order to facilitate further economic growth. It is notable that the Council routinely permits commercial development in the countryside in spite of, and not because of, that policy. The same too can be said of policy CS2 in broad terms, however in this case the application represents development that accords within one of the exceptional circumstances set out within it. That being said, the inherent strategy within FC3 is agreed to be sound i.e. directing new development to locations that are or can be made sustainable, and strategic transport corridors.

4.8 The Council is preparing a new joint Local Plan (“JLP”) with the Mid Suffolk District Council. In light of the current stage of the plan-making process only limited weight can be afforded to the emerging plan and it should play no determinative role in the application.

4.9 The NPPF

4.10 The NPPF sets out the Government’s planning policies for England and how these should be applied. Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to state, however, that *‘they are not criteria against which every decision can or should be judged’* (para. 9). The policy paragraphs, footnotes, and annexes to the NPPF should be considered as a whole. Nevertheless, the key considerations that apply to this application are dealt with below.

4.11 Paragraph 8 of the NPPF identifies three overarching objectives in order to achieve sustainable development. These objectives are interdependent and should be pursued in mutually supportive ways:

‘an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support

growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

4.12 Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (11.c)).

4.13 It will be shown that the application scheme accords with the development plan as a whole because of its compliance with the important policies for its determination. Such a view is entirely consistent with the recent *Corbett* judgment of the Court of Appeal¹. Thus, in accordance with NPPF para. 11(c) planning permission should be granted without delay.

4.14 Chapter 6 of the Framework focuses on the importance of building a strong, competitive economy. Of particular relevance to this appeal, paragraph 81 states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

4.15 The Framework also emphasises the importance of supporting the rural economy in particular. Paragraph 84, for example, states that planning policies and decisions should enable:

'a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings' (emphasis added).

¹ *Cornwall Council v Corbett* [2020] EWCA Civ 508.

- 4.16 Paragraph 174 states that planning decisions should contribute to and enhance the local environment by preventing existing development from being put at adverse risk from noise pollution. This is echoed in paragraph 185 where it is stated that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. It should be noted that noise-emitting uses are not of themselves precluded from being permitted adjacent to sensitive receptors; rather, that akin to the “agent of change” principle (see NPPF 187, albeit relating to business impacts) suitable mitigation should be put in place to remove the risk of adverse consequences. Paragraph 130 gives an additional gloss in highlighting the importance of good design and safeguarding amenity.
- 4.17 Whilst paragraph 105 stresses the importance of sustainable transport modes and travel choice, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decisions. Paragraphs 110 and 111 seek to ensure that safe and suitable access can be provided for all highway users, and to avoid new developments that would have severe network impacts.
- 4.18 An assessment of the proposal under the above policy context is detailed below and in consideration of the planning matters material to this application. It will be demonstrated that the proposed development not only adheres to the development plan as a whole first and foremost, but also adheres to the policies of the NPPF. Planning permission should be granted without delay.

5.0 Planning Assessment

5.1 Principle of Development

- 5.2 There are a number of policies within the development plan that relate to the principle of development in this instance and it is not uncommon for policies to pull in different directions dependent upon the circumstances at hand. However, it must be borne in mind that where conflict exists between policies of different development plan documents, s38(5) of the 2004 Act requires that it is the most recent policy that is followed.
- 5.3 Policy FC3 is the most recent policy relating to the principle of new employment development in specified areas. Aside from the quantum of anticipated growth and distribution that is *de facto* out of date by virtue of being more than five years’ old and with no adopted review since, it gives some direction on the appropriateness of new developments on unallocated sites (notwithstanding that the Council is required to rely upon such in the absence of any allocations document or settlement boundary review).
- 5.4 The policy states that the Council will give priority to the expansion, upgrading and intensification of employment uses on allocated sites and within locations such as the A14 corridor. The policy goes on to state that this strategy is applied where it is likely to meet the needs of business with least environment and social impact. In this case the

application is for land in close proximity to the A14. It would post no net harms to the environmental or social dimensions of sustainability. In principle, the application therefore complies with policy FC3 which is the most recently adopted policy in the plan relevant to the application proposal.

5.5 Policy CS2 deals with development in countryside locations and so applies to the proposed development notwithstanding that the site is in close proximity to the A14 corridor and so is therefore an expected area for economic growth in accordance with policy FC3. It permits development in such locations subject to specified, exclusive criteria. In this case, two apply:

- The reuse and adaption of buildings; and
- New-build employment generating proposals where there is a strategic, environmental, or operational justification.

5.6 Whilst the application does not propose “new” built development *per se*, save for the necessary external and internal adaptation works required to prepare the building for the specified use, the thrust of the second criterion is clearly engaged. In the circumstances of this application the proposed development reuses and adapts the existing building on site and secures a long-term and viable use. Strategically and operationally the Site is well-suited to the proposal where it has direct access to the A1088, and the A14 and A143 as a result, whilst reusing a former garage site and serving an established local customer base. Furthermore, the location remains accessible to the existing workforce. The sustainable location having regard to the site’s connectivity to the strategic highway network means that emissions can be reduced and impacts on the rural highway network minimised.

5.7 Thus, there is a strategic, environmental, and operational justification. The application proposal is in accordance with policy CS2.

5.8 Policies CL18, E10, E11, and E12 overlap and replicate one another but under the facts of the application proposal, all apply. They permit the reuse of buildings in the countryside for commercial purposes subject to careful treatment of potential impacts relating to design, landscape, amenity, and transport. The application proposal would not pose any landscape or character impacts; the building is *in situ*. As will be explained, matters of amenity and highway impacts have been appropriately dealt with. Thus, there is compliance with the aforementioned local policies.

5.9 Turning to the NPPF, and in the absence of any material “harms”, the proposed development is clearly in accordance with the Framework as a whole and significant weight should be afforded to the economic benefits to accrue from allowing the development to proceed. Acknowledging the economic uncertainty facing the country in light of the Covid-19 pandemic, securing a permission to enable the long-term operation of an established business is obviously a matter of great importance and weight; notable benefits are posed for the District, too.

5.10 The Character and Appearance of the Area

5.11 Notwithstanding the minor external alterations proposed, the application primarily concerns the change of use of land and an existing building. The application carries with it the opportunity to bring back into use a site that is otherwise vacant. The application therefore poses an enhancement in character and appearance terms.

5.12 Residential Amenity

5.13 As identified, the proposal site lies adjacent to existing dwellings. In light of the aforementioned local and national planning policy regarding mitigating amenity impacts, careful regard has been paid to the noise emissions associated with the proposed use.

5.14 A noise impact assessment (“NIA”) following British Standards is submitted with the application, which has considered the likely impacts and consequent effects of the development. The detailed, proposed hours of operation are contained within that document alongside a schedule of all plant associated with the business.

5.15 The NIA has considered the existing noise climate, before assessing the likely emissions of the proposed use (including vehicular movements) in order consider the impacts that might be posed to residential properties.

5.16 A small number of easily implementable measures are recommended in order to mitigate adverse effects and which include minor amendments to building fabric and to operational matters. The conclusions from the NIA confirm that there would be no adverse impact to residential amenity as a result of the operations of the proposed development.

5.17 The application would comply with local and national policies having regard to the need to mitigate the potential for adverse impacts on neighbouring residential amenity.

5.18 Highway Impacts

5.19 Policy T10 brings into consideration a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.

5.20 Paragraphs 110 and 111 of the NPPF seek to safe access for all highway users and requires that significant impacts be mitigated. Paragraph 109 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.21 The proposed access, which would remain as existing, is considered to be satisfactory to serve the development, having an acceptable impact on the highway with respect to capacity and safety, with good visibility in both directions. There is also sufficient turning space for vehicles. Internally, sufficient parking and manoeuvring space is demonstrated on the proposed plans, in accordance with the local parking standards.
- 5.22 It is therefore anticipated that the local highway authority will agree both that the access is safe, and that the development will not pose a severe detriment to flows on the local network. The development would accord with local and national policies in this regard.
- 5.23 Scheme Benefits
- 5.24 As noted, the development would provide for the relocation of an existing and successful business and represents an inward investment to Mid Suffolk District. It will create new jobs, likely to be drawn from the locality, and secures the long-term future of a business that has limited assurances at its current premises. The ongoing benefits relating to the business operations and economic activity associated are significant.
- 5.25 All of the above carry an important weighting in the planning balance. The NPPF directs that significant weight should be afforded to these factors.

6.0 Planning Balance and Conclusion

- 6.1 At the heart of the balancing exercise to be undertaken is section 38(6) of the *Planning and Compulsory Purchase Act 2004* which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the *Town and Country Planning Act 1990* reinforces that due regard must be paid to such considerations.
- 6.2 The development finds in-principle favour with the development plan and accords with it when viewed as a whole; it should be permitted without delay. Furthermore, the development would comply with the policies of the NPPF taken as a whole.
- 6.3 A grant of planning permission would secure an existing business looking to invest in the district. The permission would secure the long-term use and viability of a redundant site in a location with good access to the strategic transport network.

6.4 The benefits presented would not be outweighed, by any measure, by any identifiable adverse impacts. It is therefore respectfully requested that planning permission be granted.