

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Mr Edward Thuell
Whitworth
Unit 12 Park Farm
Fornham St Genevieve
Bury St Edmunds
IP28 6TS

Applicant:

BLM Holding Ltd
Unit 3 Rookery Business Units
Bury
Wortham
IP22 1RB

Date Application Received: 17-Jan-22

Application Reference: DC/22/00247

Date Registered: 19-Jan-22

Proposal & Location of Development:

Planning Application - Change of use and conversion of redundant farm building to B8 (Storage and Distribution E(c) & E(g) (i) Use)

Place Farm, Old Bury Road, Stuston, IP21 4AD

Section A – Plans & Documents:

This decision refers to drawing no./entitled received 17/01/2022 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:

Floor Plan - Proposed 05 - Received 17/01/2022
Defined Red Line Plan - Received 17/01/2022
Block Plan - Proposed 07 - Received 19/01/2022
Elevations - Proposed 06B - Received 03/03/2022

Section B:

Mid Suffolk 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

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. ACTION REQUIRED PRIOR TO ANY INSTALLATION OF ANY PLANT OR MACHINERY WITHIN SITE: ACOUSTIC DETAILS FOR PLANT OR MACHINERY TO BE INSTALLED TO BE AGREED

Prior to any installation of any plant, equipment or machinery within the site full specification of all such plant, equipment and machinery to be installed including their precise acoustic specifications, which shall include details of the current existing background levels of noise, and the predicted noise levels of said plant, equipment or machinery shall be submitted to and approved by the Local Planning Authority.

For the avoidance of doubt, said specification shall be undertaken based on methodology as given in British Standard BS4142:2014 and further shall include any mitigation measures which could be implemented within the building to less the impact of any noise issues.

Mitigation measures as approved shall be implemented and functional prior to the first use of the associated plant, equipment and machinery and functionally maintained at all times thereafter.

Reason: To minimise any detriment to nearby residential amenity that may be created through the installation of such machinery.

4. ACTION REQUIRED PRIOR TO INSTALLATION OF LIGHTING WITHIN SITE: DETAILS OF LIGHTING TO BE AGREED

No lighting shall be constructed, installed or illuminated within the site until full details of this have been submitted to and agreed, in writing, by the Local Planning Authority. For

the avoidance of doubt, said details shall include details of the lighting units, their associated light spill, any measures to control light spill and any measures which would restrict operation of the lighting outside of the hours of operation for the site. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure that any floodlighting at the site is of a satisfactory specification and to ensure that it will not cause any undue harm or loss of amenity to the surroundings area.

5. ACTION REQUIRED PRIOR TO FIRST USE: PARKING AREAS TO BE PROVIDED AS SHOWN

The use shall not commence until the area(s) within the site shown on drawing no. 07 for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

6. ACTION REQUIRED PRIOR TO FIRST USE: DETAILS OF ELECTRIC VEHICLE CHARGING POINTS AND CYCLE PARKING TO BE AGREED

Before the development hereby approved is first used, details of the areas to be provided for the secure, covered and lit cycle storage and electric vehicle infrastructure 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 promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electric vehicles in accordance with Suffolk Guidance for Parking (2019).

7. ACTION REQUIRED PRIOR TO FIRST USE: STORAGE AND PRESENTATION AREAS FOR REFUSE AND RECYCLING BINS

The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 07 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

8. RESTRICTION ON USE OF DEVELOPMENT: HOURS OF OPERATION

The development hereby permitted shall not operate or be open to customers outside of the following times:

Weekdays: 07:00 - 19:00

Saturdays: None at all

Sundays and Public Holidays: None at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

9. ACTION REQUIRED PRIOR TO FIRST USE: SCHEME OF ACCESS TO SITE

Prior to the first use of the development hereby approved a scheme of access to the site shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, said scheme shall show that the access to the site from Old Bury Road shall only be open to light vehicles, cars and vans and shall not be open, at any time to HGVs. Said scheme shall also detail HGV routing to and from the site with said routing to only utilise the access to the A143 for access and egress of HGVs to and from the site. Said scheme shall also include details of any signage or line painting that may be required as part of the scheme.

Access to and from the site shall be undertaken at all times in accordance with the approved details and any signage measures or line painting shall be implemented prior to the first use of the development.

Reason: In order to ensure that no HGV traffic is directed through the village and to ensure that a scheme is in place to ensure that no confusion is created over the appropriate uses of the accesses to the site.

10. RESTRICTION ON APPROVED USES WITHIN SITE: PREMISES ONLY FOR APPROVED USES

The premises shall be used for B2, B8, E(g) i, and E(c) i and ii purposes only as defined in the Use Class Order as amended and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC03 - Supply Of Employment Land
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution

T09 - Parking Standards
T10 - Highway Considerations in Development
HB01 - Protection of historic buildings
E09 - Location of new businesses
E11 - Re-use and adaption of agricultural and other rural buildings

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. Environmental Health at the District Councils should be contacted in the event of unexpected ground conditions / contamination being encountered during construction. The developer should be aware that the responsibility for the safe development of the site lies with them at all times.

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/22/00247

Signed: Philip Isbell

Dated: 16th March 2022

**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.