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Norwich  
Norfolk  
NR2 4AX

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

Date: 12<sup>th</sup> December 2022

Dear Sir or Madam,

Application Under Section 73 of the Town and Country Planning Act 1990 (PP-11743795) – Variation of Condition 2, 3, 4, 5, 11 and Removal of Condition 13 Imposed on Planning Permission Ref. DC/22/01884 for ‘Change of Use to Vehicle Servicing, Maintenance and Repair Garage (Use Class B2) Including External Alterations’ at The Pine House Company, Ixworth Road, Stowlangtoft, Bury St Edmunds IP31 3JS

This letter is prepared by Locus Planning (“the Agent”) on behalf of RUMAC Ltd (“the Applicant”) to support an application under Section 73 of the Town and Country Planning Act 1990 for the variation and removal of conditions imposed on planning permission reference DC/22/01884 for ‘*change of use to vehicle servicing, maintenance and repair garage (Use Class B2) including external alterations*’ at The Pine House Company, Ixworth Road, Stowlangtoft (“the Site”),

The application falls to be determined by Mid Suffolk District Council (“the local planning authority”).

#### Site and Surroundings

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 housing lies to the north and south.
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 are 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.
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.
4. The Site is subject to an extant planning permission for ‘*change of use to vehicle servicing, maintenance and repair garage (Use Class B2) including external alterations*’ (Ref. DC/22/01884 – See Appendix A for the Decision Notice).

#### Proposal and Assessment

5. Paragraph 56 of the National Planning Policy Framework (NPPF) confirms planning conditions should be kept a minimum and only imposed where they satisfy the following tests:

- necessary;
  - relevant to planning and to the development to be permitted;
  - enforceable;
  - precise; and
  - reasonable in all other respects.
6. Where planning permission has been granted subject to planning conditions, Section 73 of the Town and Country Planning Act 1990 makes provision for an application to be submitted to the local planning authority (“LPA”) to remove or change (vary) conditions. In deciding an application under Section 73, the LPA must only consider the disputed condition(s) that are the subject of the application – it is not a complete re-consideration of the development proposal.
  7. The application seeks the variation of Conditions 2, 3, 4, 5, 11 and the removal of Condition 13 imposed on planning permission reference DC/22/01884.
  8. The effect of Condition 11 is to restrict external storage at the Site to only vehicles, whilst also preventing repair or maintenance processes outside of the proposal building. Referring to the decision notice, the LPA imposed the condition ‘to minimise detriment to nearby residential amenity’.
  9. An area of external storage to accommodate goods and materials associated with the approved use is wholly reasonable and is to be expected at such premises. Accordingly, to meet the demands of the operation, the Applicant seeks to vary Condition 11 to enable external storage to the rear of the Site. The area of external storage is identified on the submitted Site Plan (Drawing no. PL02 B) where the height of storage is to not exceed 2.6m. The siting of storage to the rear of the building and the height restriction proposed would adequately protect the visual amenities of the area. The latter part of the condition, preventing repair or maintenance processes beyond the proposal building, shall remain and continue to serve its function in protecting the residential amenity of neighbouring occupiers.
  10. In connection with the above, the proposed variation of Conditions 2, 3, 4 and 5 is in response to the submitted Site Plan where the previous iteration of the plan is referenced therein.
  11. The proposed variation of Condition 11 is considered to meet the tests, where, in its present form, the condition’s site wide restriction on external storage (other than vehicles) remains questionable in its necessity and reasonableness. As a matter of course, should the variation of Condition 11 succeed, Conditions 2, 3, 4 and 5 should in turn be varied
  12. Condition 13 requires the workshop doors of the proposal building to remain closed when the engines of vehicles within the building are running. The condition was at the request of Mid Suffolk’s Environmental Protection Officer ‘to minimise detriment to nearby residential amenity’.
  13. The requirement imposed by Condition 13 is entirely impractical and inefficient to the operation of the proposal. Accordingly, the Applicant seeks to remove the condition.
  14. A noise impact assessment (“NIA”) following British Standards was submitted in support of the original application (see Appendix B). To consider the impacts posed to residential properties, the NIA established the existing noise climate before assessing the likely emissions from the proposed use. The NIA concluded that there would be no adverse impact on residential amenity as a result of the proposed operations. Of particular significance, with the workshop doors open, the prediction exercise undertaken with the NIA confirmed the use could operate without giving rise to a significant adverse impact on nearby dwellings.
  15. As to whether Condition 13 meets the tests for conditions, the evidence provided by the NIA and the limits imposed by Condition 10, which ensures the development achieves an acceptable noise outcome irrespective of Condition 13, demonstrates the condition is neither reasonable nor necessary.

16. Taking the foregoing into consideration, it is therefore respectfully requested that planning permission be granted subject to the proposed variation of Conditions 2, 3, 4, 5, 11 and the removal of Condition 13.

Yours faithfully,

James Platt  
Director  
Locus Planning Ltd

E: [info@locusplanning.co.uk](mailto:info@locusplanning.co.uk)

T: [07710239593](tel:07710239593)

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## APPENDICES

## APPENDIX A

Philip Isbell – Chief Planning Officer  
Sustainable Communities

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

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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## PLANNING PERMISSION

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

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### Correspondence Address:

Locus Planning Ltd  
11 Charing Cross  
Norwich  
Norfolk  
NR2 4AX

### Applicant:

RUMAC Ltd  
The Stables  
Summer Road  
Walsham-Le-Willows  
Bury St Edmunds  
Suffolk  
IP31 3AJ

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**Date Application Received:** 08-Apr-22

**Application Reference:** DC/22/01884

**Date Registered:** 20-Apr-22

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### Proposal & Location of Development:

Full Application - Change of Use to Vehicle Servicing, Maintenance and Repair Garage (Use Class B2) including external alterations.

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

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### Section A – Plans & Documents:

This decision refers to drawing no./entitled PL02A received 06/05/2022 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:

Elevations - Proposed PL01 - Received 08/04/2022  
Floor Plan - Proposed PL01 - Received 08/04/2022  
Defined Red Line Plan PL02A - Received 06/05/2022  
Site Plan PL02A - Received 06/05/2022

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### 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 FIRST USE: VISIBILITY SPLAYS PROVIDED TO ACCESS

Before the access is first used visibility splays shall be provided as shown on Drawing No. PL02 A with an X dimension of 2.4 metres and a Y dimension of 43 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

4. COMPLIANCE REQUIRED: PARKING ON SITE TO BE PROVIDED AS SHOWN

The use shall not commence until the area(s) within the site shown on Drawing No. PL02 A for the purposes of 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 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.

5. COMPLIANCE REQUIRED: CYCLE PARKING TO BE PROVIDED AS SHOWN

The use shall not commence until the area(s) within the site shown on Drawing No. PL02 A for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2019 to promote sustainable travel.

6. COMPLIANCE REQUIRED: WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Riverdale Ecology, September 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

7. ACTION REQUIRED PRIOR TO COMMENCEMENT: SUBMISSION OF A NON-LICENSED BAT METHOD STATEMENT INCLUDING ROOST MONITORING

Prior to the commencement of the development hereby approved a non-licensed Bat Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to bats during the development and post development phases. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

The Bat Method Statement shall include the production of a report describing the results of monitoring following completion of the consented works which shall be submitted to the local planning authority at intervals identified in the bat method statement. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.



8. ACTION REQUIRED PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY TO BE AGREED

Prior to the first beneficial use of the building hereby approved, a Biodiversity Enhancement Strategy for protected and Priority species as recommended in the Bat Survey Report (Riverdale Ecology, September 2022) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

9. ACTION REQUIRED PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME TO BE AGREED

Prior to the beneficial use of the building hereby approved, a lighting design scheme for biodiversity as recommended in shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

10. ACTION REQUIRED WITHIN ONE MONTH AND THREE MONTHS FOLLOWING COMMENCEMENT: NOISE VALIDATION CHECKS

The rating level of sound emitted from any fixed plant and/or machinery or operations associated with the commercial activities at the use hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

An independent sound validation check shall be made after one month and within three months of the commencement of the permitted use as approved, to demonstrate compliance with this condition. The report shall be submitted to the LPA along with recommendations for any mitigation required. Such mitigation shall be carried out to a timetable to be agreed with the Local Planning Authority by separate discharge of condition.

Reason: to minimise detriment to nearby residential amenity

11. RESTRICTION ON DEVELOPMENT: NO OUTDOOR STORAGE, REPAIR OR MAINTENANCE

No outside storage of anything other than vehicles, repair or maintenance processes shall be carried on outside the building on the site

Reason: to minimise detriment to nearby residential amenity

12. COMPLIANCE REQUIRED: RESTRICTION TO HOURS OF DELIVERY

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 08:00-17:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: None permitted

Reason: to minimise detriment to nearby residential amenity

13. COMPLIANCE REQUIRED: WORKSHOP DOORS TO BE CLOSED WHILE VEHICLES ARE RUNNING

Workshop doors shall remain closed while vehicle engines are running inside the building.

Reason: to minimise detriment to nearby residential amenity

14. ACTION REQUIRED PRIOR TO COMMENCEMENT: SCHEME FOR TREATING FUMES AND EMISSIONS

The development shall not commence until a scheme for treating fumes so as to render them innocuous before their emission to the atmosphere has been submitted to and approved in writing by the local planning authority. The means of treating the fumes shall be installed and be operational before the development is brought into use or occupied and maintained as such thereafter.

Reason: In order to safeguard the occupiers of the proposed workshop and minimise detriment to nearby residential premises.

15. ACTION REQUIRED PRIOR TO BENEFICIAL USE: OIL INTERCEPTOR TO BE INSTALLED

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Said interceptor shall be installed prior to the first beneficial use of the building hereby approved. Roof water shall not pass through the interceptor.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

## **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance  
CS05 - Mid Suffolk's Environment  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
CL08 - Protecting wildlife habitats  
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. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any 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. Note: 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 must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

or:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/>

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.

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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/22/01884

**Signed: Philip Isbell**

**Dated: 7th October 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.

## APPENDIX B