

Planning and Building Control
Mid Suffolk District Council

September 2023

Dear Sir or Madam,

Planning Application – Land at Creting Road West, Stowmarket

Malta Properties Ltd has been instructed to seek planning permission in respect of the above site and for the proposed development of a change of use of vacant land to a private car park (*sui generis*). This letter supports the application and justifies why it is acceptable in planning terms. A red-lined plan (attached) identifies the land in question. It is anticipated that planning conditions could require detailed hard and soft landscaping details if so required.

The applicant is the owner/operator of the adjacent NRG Fitness, which is a long-established and successful gym business. The business employs over 15 people and plays an important role in the local economy. As the business continues to grow and expand, the owner is seeking land to accommodate an increased parking provision for clients; the site has been chosen for this purpose, recognising its proximity and brownfield nature.

Site Context

The site relates to an area of vacant land that was formally a tyre depot/fitting centre. That use has long since been extinguished and the site is subject to a nil use bearing in mind the duration of time since the depot was last in use, the poor condition of the site, and the subsequent approved development for the wider site for a mixed-use scheme; plainly, there is no real prospect of the previous lawful use resuming. It follows that any previous use has been abandoned (e.g., Class B2/*sui generis* for tyre depot/fitting centre). It is presumed that the Council agree with this position noting the current, live application for residential flats on the site (ref. DC/23/03651) which also states the site is vacant and has no existing use.

The mixed-use scheme permission (ref. 2028/15), which followed the cessation of the sole commercial use, has been carried out in part and 14 no. flats have been constructed to the east of the site. It is understood that there is no demand for the office development which was proposed to be built on the site (hence, the present application for further flats). That permission has therefore been implemented and remains extant.

Whether or not the present application is permitted or not has no bearing on the acceptability of this application proposal, save for recognising that there is an established position regarding the development of the site for alternative use which would all be traffic generating. It is also the case that the Council could, if it so wished, grant permission for both schemes – it would then be a commercial decision as to which development is implemented.

Planning Policy and the Economic Objective

Section 70(2) of the Town and Country Planning Act 1990 requires a decision taker to have regard to the provisions of a development plan and to any other material considerations. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the planning Acts be determined in accordance with the development plan unless material considerations indicate otherwise.

The policies of the development plan, both existing and emerging¹, are supportive of development within settlement boundaries and the town of Stowmarket (as policies CS1, CS2, and SP03). Local planning policies are also supportive of the economic objective of sustainable and support the growth and vitality of existing businesses in sustainable locations including their expansion into adjacent land (as policies E8 and LP09).

¹ In this case being the Local Plan, Core Strategy, Core Strategy Focused Review, Stowmarket Area Action Plan, and emerging Joint Local Plan, which is currently under examination.

In this case the land in question is vacant and subject to nil use, therefore employment retention policies do not engage (as policies E6 and LP10). However, even if this is disputed (and if so, this must surely undermine the appropriateness of the present live application for residential flats in lieu of commercial) then those policies would not be breached because no 'loss' of employment land would occur: the use of the land would be ancillary to and support the ongoing success of the NRG Fitness business notwithstanding a very important related benefit of relieving on-street parking issues which persist locally. This alternative scheme is therefore highly preferable to the residential option bearing in mind the exceptional housing position the Council finds itself in.

The National Planning Policy Framework/NPPF sets out the Government's planning policies for England and how they should be applied. It is a material consideration and must be taken into account for decision taking purposes. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At Paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. Chapters 6 and 11 stress the importance and significant weight to be afforded to economic growth and the effective use of land including brownfield (in fact, the latter consideration is directed to attract a substantial weight).

Assessment of Key Issues

Principle

It is our position that in principle the proposed development meets the direction of the above local and national planning policies. The Council is invited to agree with this assessment. Whether or not the current application for housing is approved is irrelevant to the principle of development in this case, and it is rarely the case that such alternatives can ever form material planning considerations. The present application proposal is therefore to be judged on its own merits (albeit in our view the car park proposal is preferable in planning terms).

Residential Amenity

The car park would be under the control of the owner-operator of NRG Fitness which is bound by the conditions under permission ref. DC/20/02162. The gym operates on a 24-hour basis, but the timings of classes are strictly controlled. The local context is nevertheless one that is constantly active, urban, and where residential receptors are likely to be less sensitive to disturbance as a result (adjacent also to the main railway line). The proposal should be viewed in that context, recognising that there remains an extant planning permission for commercial development on the site which would bring with it its own impacts.

Highways

Safe and suitable access can be secured for all users. The proposal is not of itself traffic-generating, as opposed to extant and proposed alternative uses. Impact on the local highway network would therefore not be severe. However, in our view there would be a significant public benefit in highway terms because an expanded parking offer would relieve on-street parking pressures noting the existing issues on Creeting Road West. NRG Fitness is highly successful and popular, and its membership continues to grow, and will grow, irrespective of the application proposal. With no planning restriction on the number of users in total or at any one time, there is an opportunity to secure a beneficial relief.

Environmental

The site is not within an area of flood risk and the proposal would not materially affect any heritage assets. The site is of no ecological potential given over to hard standing. No built development is proposed, albeit it is likely that very minor landscaping works would be undertaken to improve the surfacing of the site, and which could cap-off the existing surface to minimise any contamination risks; the use is by its very nature not vulnerable in any event.

Balance and Conclusion

This letter has been prepared to explain and justify a proposal for a change of use of vacant land to form an extended area of parking for the existing NRG Fitness gym. The proposal is acceptable in principle

where it supports the economic objective and makes efficient use of land. No adverse impacts are anticipated and a significant public benefit in relieving on-street parking can be secured.

On that basis, we commend our proposal to you and respectfully request that planning permission be granted.

Yours faithfully,

Matthew Lockwood
Director