



Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/4097/FUL

Location

Unit 24
Fountain Way
Reydon
Southwold
Suffolk
IP18 6SZ

Expiry date 22 December 2020

Application type Full Application

Applicant Southwold Auto Services

Parish Reydon

Proposal Change of use of an ESC business unit from B2 to a SUI generis MOT station use. Insertion of a rolling road in the floor (plan amended)

Case Officer Joe Blackmore
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1. Summary

- 1.1 The application seeks planning permission for the change of use of an existing commercial unit to a MOT Station/Garage (sui generis use).
- 1.2 The proposed use accords with the employment objectives of the Local Plan, in terms of policies WLP8.12 and WLP8.13. The proposed development would enable a local business, Southwold Auto Services, to relocate to a business unit suitable for their operation and close to their existing customer base. The application is therefore supported by officers and recommended for approval.
- 1.3 East Suffolk Council is the landowner and therefore the application is brought direct to Planning Committee (North) for determination.

2. Site description

- 2.1 The application site is located within Reydon Business Park, which lies to the north side of the village within the Suffolk Coast and Heaths Area of Outstanding Natural beauty (AONB). The Business Park is defined in the Local Plan as an 'Existing Employment Area' and is one of the main employment sites in the Reydon/Southwold area.
- 2.2 This application relates to Unit 24, which has been in a B2 Industrial use. Adjacent Unit 24 is a Chinese takeaway and the surrounding units are all in commercial/industrial use, given the nature of the Business Park. There are no residential properties near to the application site, which is well-contained within the existing park.

3. Proposal

- 3.1 The proposed development represents a change of use from B2 (industrial) to a sui generis use, comprising a car garage and MOT station. The car garage for the repair and servicing of vehicles would, on its own, be a B2 use not requiring planning permission. However, there is considerable planning case law which clarifies that a MOT station represents a sui generis use (a use of its own kind not falling within a defined use class, such as B2). On that basis, the proposal requires planning permission, although it is a significant material consideration that the car garage for servicing and repair of vehicles could take place without permission from the Council being required.
- 3.2 In terms of the detail, there is no external alterations proposed. The application does include details of a 'rolling road' being inserted into the internal floor area of the unit, which already benefits from a large roller door suitable for vehicle access.

4. Consultations/comments

- 4.1 No third-party representations received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Reydon Parish Council	28 October 2020	9 November 2020
Summary of comments: <i>RECOMMENDED</i>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	28 October 2020	16 November 2020
Summary of comments: <i>"Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission. The proposed change of use is not thought to have a detrimental impact on the public highway."</i>		

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	28 October 2020	No response
Summary of comments: No comments (consulted in error).		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	2 November 2020
Summary of comments: No objections raised. Information provided for the applicant's attention.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	28 October 2020	11 November 2020
Summary of comments: Request further information on the proposed 'rolling road' and potentially require a noise assessment to inform consideration of the application.		

6. Site notices

General Site Notice

Reason for site notice: Change of Use

Date posted: 6 November 2020

Expiry date: 27 November 2020

7. Planning policy

National Planning Policy Framework (NPPF)

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.12 - Existing Employment Areas (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.13 - New Employment Development (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

8. Planning considerations

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant planning policies are set out above and, in addition, the National Planning Policy Framework (NPPF) is a material consideration, as is the emerging Reydon Neighbourhood Plan (RNP), which can now be given significant weight when determining applications; however, there are no policies in the RNP that are directly relevant to this application.
- 8.2 The applicant currently operates out of premises on Station Road/Blyth Road, Southwold, that is owned and managed by Southwold Town Council. However, the re-development of Station Yard has been approved under DC/18/2406/FUL permitting; *“The demolition of the existing buildings and re-development of the site to create a mixed use development consisting of flexible office space, retail units and residential accommodation”*. The applicant’s business - Southwold Auto Services - therefore needs to relocate to suitable premises in order to continue operating and serving their customer base in the Southwold/Reydon area. Officers from the Council’s Economic Development and Asset Management Teams have worked with the applicant to support the relocation to Reydon Business Park.
- 8.3 Local Plan Policy WLP8.12 defines existing employment areas where use classes such as B1, B2 and B8 are promoted. Likewise, new employment development in existing employment areas is supported by the objectives of Policy WLP8.13. Whilst there have been substantial changes to the Town and Country Planning (Use Classes) (England) Order 1987, via the amendments that came into force on 01 September 2020, the use class B2 (industrial) remains in effect. Thus, proposals for B2 uses within existing employment areas will be supported in accordance with policies WLP8.12 and WLP8.13.
- 8.4 Whilst the proposal represents a 'sui generis' use, because of the MOT Station, in practical terms it is combined with a B2 car garage and represents a use entirely appropriate for Reydon Business Park as an existing employment area. Thus, the principle of the change of use can be supported.

- 8.5 The site falls within the AONB however because no external alterations to the unit are proposed, and because it is well-contained within the Business Park, there would be no impact on the protected landscape or character of the area. There are no residential properties close to the Unit so no impact on living conditions.
- 8.6 The Council's Environmental Health Officer has requested more information on the 'rolling road' to be installed and, potentially, further information in the form of a noise assessment. However, as an existing employment area where industrial uses are encouraged by the Local Plan, it is unnecessary to seek this additional information. It is also important to consider that the servicing and repair of vehicles - being a B2 use - could take place without recourse to the Planning Authority. In reality, the MOT Station will cause no additional noise or disturbance that requires further assessment. There will undoubtedly be some noise arising from the proposed use, but only to an extent commensurate with the industrial/commercial nature of the Business Park, and not unduly harmful to surrounding uses. Hours of operation would be controlled by planning condition, to ensure no noisy working during night-time hours or on Sundays and bank holidays.
- 8.7 For the reasons given, the proposed development accords with policies WLP8.12, WLP8.13, WLP8.29 and WLP8.35.
- 8.8 The County Highways Authority has reviewed the application and determined that there would be no highways safety issues. There is no conflict with Local Plan policy WLP8.21.

9. Conclusion

- 9.1 The proposed development accords with the Local Plan, being an employment/industrial use within a defined employment area. No material harm would arise from the proposed development, and it would bring benefit in facilitating the relocation of a local business so that it can stay in the Reydon/Southwold area, securing existing employment and potentially facilitating additional employment in the future.
- 9.2 The application is therefore recommended favourably.

10. Recommendation

- 10.1 Authority to approve, subject to no third-party objections being received prior to the close of the formal consultation period on 27 November 2020.

11. Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The hereby approved development shall be carried out in accordance with: the application form and Drawing No. EQD-AP-045, received 14 October 2020; and the Site Location and Block Plans, received 28 October 2020.

Reason: for the avoidance of doubt as to what has been considered and approved.

3. The use hereby permitted shall only take place during the following hours:

08:00 to 18:00 on Monday to Friday; and
08:00 to 13:00 on Saturdays.

The use hereby permitted shall not take place on Sundays and Bank Holidays.

Reason: as set out by the applicant in section 20 of the application form; and to limit noisy activities to standard working hours.

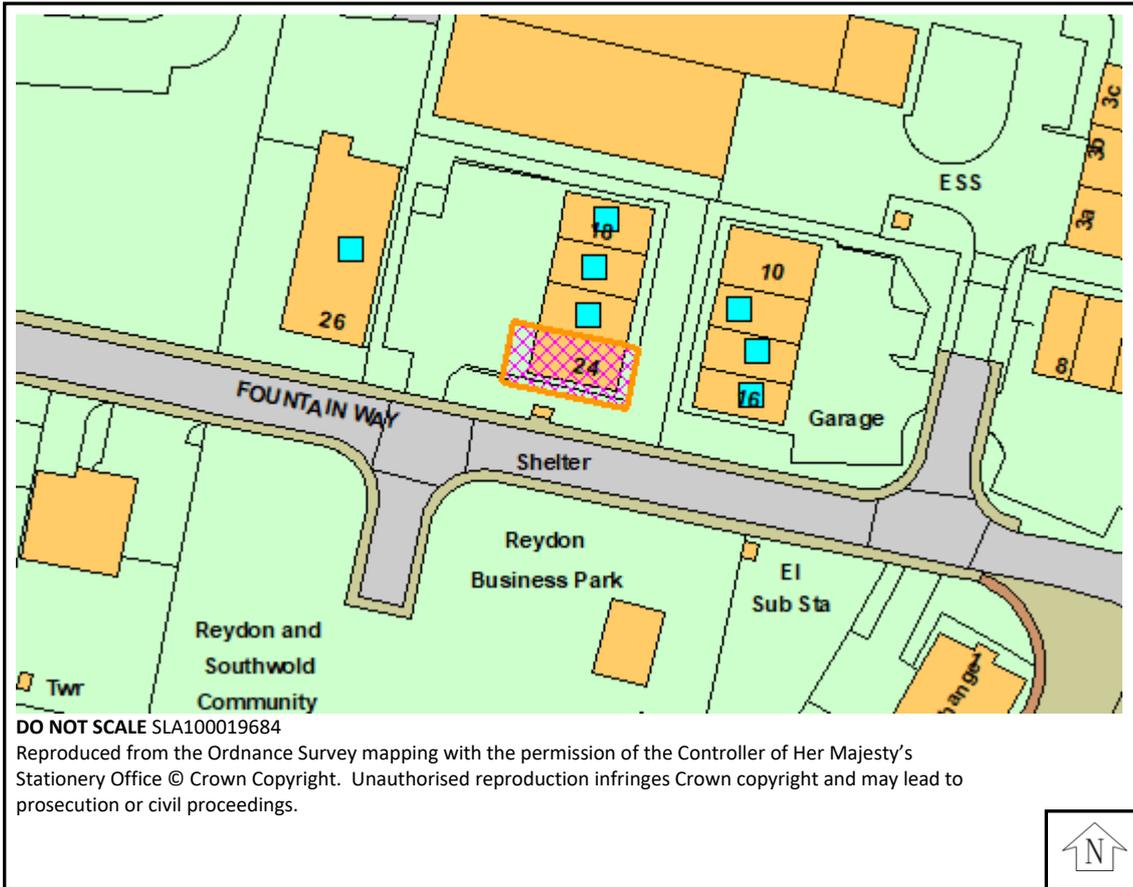
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background Papers

See application reference DC/20/4097/FUL on [Public Access](#)

Map



-  Notified, no comments received
-  Objection
-  Representation
-  Support