

# Public Document Pack



<b>COMMITTEE:</b>	<b>MSDC PLANNING</b>
<b>DATE:</b>	<b>WEDNESDAY, 8 NOVEMBER 2023 9.30 AM</b>
<b>VENUE:</b>	<b>KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b>

<b>Councillors</b>	
<u>Conservative Group</u> Lavinia Hadingham (Vice-Chair)	<u>Green Group</u> Austin Davies Lucy Elkin
<u>Liberal Democrat Group</u> Terry Lawrence	Nicholas Hardingham Sarah Mansel (Chair) John Matthissen Rowland Warboys

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## **AGENDA**

### **PART 1**

#### **MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

Page(s)

- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE  
PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON  
REGISTRABLE INTERESTS BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATIONS OF PERSONAL SITE VISITS**
- 5 **MPL/23/16 CONFIRMATION OF THE MINUTES OF THE 5 - 12  
MEETING HELD ON 11 OCTOBER 2023**
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE  
WITH THE COUNCIL'S PETITION SCHEME**

7 **MPL/23/17 SCHEDULE OF PLANNING APPLICATIONS** 13 - 14

**Note:** *The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public.*

a **DC/23/00305 LAND ADJACENT TO, 17 BROCKFORD ROAD, MENDLESHAM, IP14 5SG** 15 - 30

b **DC/23/03872 HEMINGSTONE FRUIT FARM, MAIN ROAD, HEMINGSTONE, IP6 9RG** 31 - 46

8 **SITE INSPECTION**

**NOTES:**

1. The Council has adopted a Charter on Public Speaking at Planning Committee. A link to the Charter is provided below:

[Charter on Public Speaking at Planning Committee](#)

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

2. Ward Members attending meetings of Planning Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to their ward.
3. Speakers can join the meeting virtually. Any person who wishes to join the meeting virtually must contact Committee Services on [committees@baberghmidsuffolk.gov.uk](mailto:committees@baberghmidsuffolk.gov.uk) at least 24 hours before the start of the meeting. An email link will be sent to participants prior to the meeting. Participants are requested to join the meeting via the MS Teams link. This email is personal to the recipient and must not be shared.

## **Date and Time of next meeting**

Please note that the next meeting is scheduled for Wednesday, 22 November 2023 at 5.30 pm.

## **Webcasting/ Live Streaming**

The Webcast of the meeting will be available to view on the Councils Youtube page: [https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot on: 01473 296376 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

### **Domestic Arrangements:**

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

# Agenda Item 5

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MSDC PLANNING** held in the Frink Room (Elisabeth) - Endeavour House on Wednesday, 11 October 2023 at 09:30am

### PRESENT:

Councillor: Sarah Mansel (Chair)  
Lavinia Hadingham (Vice-Chair)

Councillors: Austin Davies  
Nicholas Hardingham  
Colin Lay

Lucy Elkin  
Terry Lawrence  
Rowland Warboys

### Ward Member(s):

Councillors: Tim Weller

### In attendance:

Officers: Area Planning Manager (GW)  
Planning Lawyer (IDP)  
Planning Officer (VP)  
Governance Officer (CP)

## 61 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

61.1 Apologies were received from Councillor Matthissen.

61.2 Councillor Lay substituted for Councillor Matthissen.

## 62 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS

62.1 Councillor Hadingham and Councillor Warboys declared an other non-registerable interest in respect of application number DC/22/02667 as the landowners were known to them.

## 63 DECLARATIONS OF LOBBYING

63.1 All Members, apart from Councillor Lay, declared that they had been lobbied in respect of application number DC/22/02667.

## 64 DECLARATIONS OF PERSONAL SITE VISITS

64.1 Councillor Warboys declared a personal site visit in respect of application number DC/22/02667.

**65 MPL/23/14 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2023**

It was **RESOLVED**:

That the Minutes of the meeting held on 27 September 2023 be confirmed and signed as a true record.

**66 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

66.1 None received.

**67 MPL/23/15 SCHEDULE OF PLANNING APPLICATIONS**

67.1 In accordance with the Councils procedures for public speaking on planning applications, representations were made as follows:

Application Number	Representations From
DC/22/02667	Neil Weston (Palgrave Parish Council) Fiona Bowden (Objector) Mr Ling (Supporter) Rob Shaw (Applicant) Councillor Tim Weller (Ward Member)

**68 DC/22/02667 GRANGE FARM, OLD BURY ROAD, PALGRAVE, SUFFOLK, IP22 1AZ**

68.1 Item 7A

Application DC/22/02667  
Proposal Planning Application - Mixed use development comprising installation of a ground mounted solar photovoltaic (PV) farm; along with continued agricultural use, ancillary infrastructure, substation, security fencing, landscaping provision, ecological enhancements and associated works.  
Site Location Grange Farm, Old Bury Road, Palgrave, Suffolk, IP22 1AZ  
Applicant Pathfinder Clean Energy UK Dev Ltd

68.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the previous Committee decision made at the meeting on 13 September 2023, the contents of the tabled papers, an update on the Palgrave Neighbourhood Plan, the location and layout of the site, the expected energy generation of the scheme, the existing Public Right of Ways (PROW) and enhancements proposed by the scheme, the site

constraints including surrounding heritage assets and conservation area, the agricultural land classification of the site, the proposed landscape mitigation plan, access to the site, the design and dimensions of the equipment, the cumulative impact of surrounding proposed schemes, and the proposed seasonal grazing and planting scheme.

- 68.3 The Case Officer went on to detail the amendments made to the proposal following the previous decision of deferral including: the height of the solar panels, the separation distance to the western edge of the village, the amended mitigation and enhancement plan including landscaping around the substation and hedgerow planting, and biodiversity plans. The Case Officer provided details of the recommendation of approval as per the Committee report.
- 68.4 The Case Officer and the Area Planning Manager responded to questions from Members on issues including: the future plans for the hedgerows once the scheme had been decommissioned, the proposed fencing scheme in relation to wildlife, the proposed landscaping around the substation including future maintenance, the number of brownfield sites in Mid Suffolk, the potential for the benefits of the landscape and ecology mitigation to be reviewed beyond the existing 5-10 year period, and the weight of the Diss Neighbourhood Plan.
- 68.5 Following a question from Members the Planning Lawyer provided clarification regarding the previous decisions made by the Planning Inspectorate on similar applications, and advised Members that the decisions made were not precedents but did illustrate trends in decision making.
- 68.6 The Case Officer responded to further questions from Members on issues including: conditions which could be added to ensure that there were no herbicides or pesticides used on the land, the reference in the National Planning Policy Framework (NPPF) of the need to support local businesses, and the location of the new permissive footpath to the west of the site.
- 68.7 Members considered the representation from Neil Weston who spoke on behalf of Palgrave Parish Council.
- 68.7 Members considered the representation from Fiona Bowden who spoke as an Objector.
- 68.8 The parish Council Representative and the Objector responded to questions from Members on issues including: the outcomes of the re-consultation following the previous decision of deferral, and the community funding offer made by the Applicant.
- 68.9 The Case Officer advised Members that the community funding offer was not a material planning consideration.
- 68.10 Members considered the representation from Mr Ling who spoke as a Supporter.

- 68.11 The Supporter responded to questions from Members on issues including: the sustainability of the yield, and the plans for the hedgerow once the land has been returned to arable use following decommissioning.
- 68.12 Members considered the representation from Rob Shaw who spoke as the Applicant.
- 68.13 The Applicant, and Alex Ross, Director at PACE, responded to questions from Members on issues including: the proposed interim measures for glint and glare whilst the screening was being established, the skylark mitigation plans and the potential to extend this for the duration of the scheme, the screening along the permissive footpath, the Solar Stewardship Initiative, whether the height of the panels could be reduced across the whole of the site, the effect of reducing the angle and height of the panels in terms of power generation, the visibility of the panels from surrounding footpaths, the location of the PROWs, and whether consideration had been given to the topography of the land in terms of landscaping plans.
- 68.14 Members considered the representation from Councillor Weller who spoke as the Ward Member.
- 68.15 A break was taken from 11:53am until 12:01pm.
- 68.16 The Applicant responded to a further question from Members regarding whether a change in the height of the panel would effect the number of homes that power could be provided to.
- 68.17 Members debated the application on issues including: the close proximity to the village, whether the number of homes power would be supplied to was an adequate benefit, the nature of the farming which previously took place on the site and the impact of this farming on the current soil quality, the potential improvements to the soil quality from the scheme, and the application of a condition relating to the decommissioning of the scheme.
- 68.18 The Area Planning Manager confirmed to Members that the existing proposed condition relating to a scheme for remediation of land could be expanded to include a decommissioning scheme.
- 68.19 Members continued to debate the application on issues including: the disruption to local residents during the construction phase, the loss of Grade 3 arable land, the objections from local residents, the need for solar energy, the amount of grade 2 land at the site, the substantial public benefits of the scheme including the wider community, the level of impact on agricultural land, the biodiversity gains of the scheme, the footpath enhancements, and the benefits of conditioning a Parish liaison scheme.
- 68.20 Councillor Hardingham proposed that the application be approved subject to the additional conditions discussed.



68.21 Councillor Davies seconded the proposal.

68.22 The Area Planning Manager read out the following additional conditions and informative note:

Conditions

- Colour scheme to be agreed
- Extra standard advance planting to be agreed
- Hedgerow retention in perpetuity
- Topmost point height 2.5m maximum
- LEMP to include future review process with independent ecological survey at 5 and 10 years to be submitted
- Soil improvement plan to control use of herbicides and pesticides
- Decommissioning scheme
- Parish liaison scheme
- Interim glint and glare screening to be agreed, including East Cottage specifically
- Full landscape plans to be submitted
- Skylark mitigation for entire period
- Collaborative inset land approach to be agreed
- Information boards to be agreed
- Sheep grazing to be secured as part of soil management plan

Informative note:

- Solar stewardship scheme

68.23 The additional conditions and informative note were agreed by Councillor Hardingham and Councillor Davies.

By a vote of 7 votes for and 1 against

**It was RESOLVED:**

**That Delegated Authority be given to the Chief Planning Officer to GRANT planning permission and includes the following conditions and informatives (those listed, and others as may be deemed necessary\*)**

**\* [If details reserved by condition are resolved prior to issuing the decision the conditions will be amended accordingly].**

**Conditions**

- **Commence in 3 years**
- **Comply with approved plans**
- **Temporary permission (up to 40 years or ceases operations, whichever is sooner)**
- **Scheme for remediation of land to be submitted and secured if either they cease use or after the 40years (whichever is first)**

- **Hard and soft landscaping details to be submitted and implemented in first available planting season.**
- **Landscape and Ecological Management Plan to be submitted**
- **Size, location and number of wildlife gates to be submitted**
- **Permissive footpaths to be provided and retained**
- **Construction Management Plan to be submitted**
- **Improvements to existing accesses to be submitted**
- **HGV traffic to be in accordance with Construction Traffic Management Plan**
- **No burning during construction**
- **Acoustic barrier to be erected around solar inverter units**
- **Glint and glare interim mitigation to be submitted**
- **Programme for glare complaints to be submitted**
- **Temporary external lighting details to be submitted and permanent lighting restricted**
- **Construction hours restricted**
- **Internal access track material to be submitted**
- **Storage building and inverter colour to be submitted**
- **Biodiversity Net Gain Assessment secured**
- **Construction Environmental Management Plan to be submitted**
- **Great Crested Newt Natural England Mitigation Licence to be submitted**
- **Biodiversity Enhancement Strategy to be submitted**
- **Skylark Mitigation Strategy to be implemented**
- **Written Scheme of Investigation to be submitted**
- **Post Investigation to be submitted**
- **Surface water drainage strategy to be submitted**
- **Implementation, maintenance and management strategy for surface water drainage to be submitted**
- **Surface water drainage verification report to be submitted**
- **Construction Surface Water Management Plan to be submitted**
- **Soil Management Plan (including grazing provisions) to be submitted**

#### **Informatives**

- **Proactive working with NPPF**
- **Follow DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites**
- **SCC Floods and Water recommended informatives**
- **SCC Highway recommended informatives**

**And the following Conditions and Informatives agreed at Committee:**

#### **Conditions:**

- **Colour scheme to be agreed**
- **Extra standard advance planting to be agreed**
- **Hedgerow retention in perpetuity**
- **Topmost point height 2.5m maximum**

- **LEMP to include future review process with independent ecological survey at 5 and 10 years to be submitted**
- **Soil improvement plan to control use of herbicides and pesticides**
- **Decommissioning scheme**
- **Parish liaison scheme**
- **Interim glint and glare screening to be agreed, including East Cottage specifically**
- **Full landscape plans to be submitted**
- **Skylark mitigation for entire period**
- **Collaborative inset land approach to be agreed**
- **Information boards to be agreed**
- **Sheep grazing to be secured as part of soil management plan**

**Informative:**

- **Solar Stewardship Scheme**

**69 SITE INSPECTION**

69.1 None received.

The business of the meeting was concluded at 12:37pm.

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Chair

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# Agenda Item 7

## MID SUFFOLK DISTRICT COUNCIL

### PLANNING COMMITTEE

08 NOVEMBER 2023

#### INDEX TO SCHEDULED ITEMS

<u>ITEM</u>	<u>REF. NO</u> <u>(and link to</u> <u>consultee</u> <u>comments)</u>	<u>SITE LOCATION</u>	<u>MEMBER/WARD</u>	<u>PRESENTING</u> <u>OFFICER</u>	<u>PAGE</u> <u>NO</u>
7A	<a href="#">DC/23/00305</a>	Land Adjacent to, 17 Brockford Road, Mendlesham, IP14 5SG	Councillor Andrew Stringer / Mendlesham	Alex Scott	
7B	<a href="#">DC/23/03872</a>	Hemingstone Fruit Farm, Main Road, Hemingstone, IP6 9RG	Councillor David Penny and Councillor John Whitehead / Claydon and Barham	Nikita Mossman	

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# Agenda Item 7a

## Committee Report

**Item No:** 7A

**Reference:** DC/23/00305

**Case Officer:** Alex Scott

**Ward:** Mendlesham.

**Ward Member/s:** Cllr Andrew Stringer.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application - Change of use of land for grazing of horses, and erection of stables with new vehicular access.

### **Location**

Land Adjacent To, 17 Brockford Road, Mendlesham, IP14 5SG

**Expiry Date:** 10/11/2023

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - All Other

**Applicants:** Moss and Humphreys

**Agent:** Ben Elvin

**Parish:** Mendlesham

**Site Area:** 1.4 hectares

**Density of Development:**

Gross Density (Total Site): NA.

Net Density (Developed Site, excluding open space and SuDs): NA.

**Details of Previous Committee / Resolutions and any member site visit:** None.

**Has a Committee Call In request been received from a Council Member:** Yes.

**Has the application been subject to Pre-Application Advice:** No.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The application has been referred at the request of the Ward Member.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### National Planning Policy and Guidance

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

#### Current Adopted Development Plan Policies

FC1 - Presumption In Favour Of Sustainable Development

FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development

CS1 - Settlement Hierarchy

CS2 - Development in the Countryside & Countryside Villages

CS3 - Reduce Contributions to Climate Change

CS4 - Adapting to Climate Change

CS5 - Mid Suffolk's Environment

SB3 - Retaining visually important open spaces

GP1 - Design and layout of development

HB1 - Protection of historic buildings

HB8 - Safeguarding the character of conservation areas

HB13 - Protecting Ancient Monuments

HB14 - Ensuring archaeological remains are not destroyed

H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution

CL8 - Protecting wildlife habitats

CL21 - Facilities for Horse Riding

T9 - Parking Standards

T10 - Highway Considerations in Development

RT6 - Sport and recreational facilities in the countryside

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area (Parish of Mendlesham Neighbourhood Development Plan 2018 - 2037 - Adopted November 2022)

The Neighbourhood Plan is adopted by the LPA and forms part of the current Development Plan.

Neighbourhood Plan Policies relevant to the planning application are listed below:



- MP5 - Historic environment
- MP6 - Building design
- MP9 - Local green spaces
- MP10 - Open Spaces
- MP11 - Paths and bridleways

## **Joint Local Plan**

On 19<sup>th</sup> September 2023, the Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. Accordingly, officers have considered the modified policies having regard to the requirements of paragraph 48 of the NPPF, as relevant to the determination of this planning application. The JLP and its policies are a material consideration of significant weight in this case.

### **Emerging Joint Local Plan Policies**

- SP03 - The Sustainable Location of New Development
- SP09 - Enhancement and Management of the Environment
- SP10 - Climate Change
- LP15 - Environmental Protection and Conservation
- LP16 - Biodiversity & Geodiversity
- LP17 - Landscape
- LP19 - The Historic Environment
- LP20 - Equestrian or similar other animal land based uses
- LP23 - Sustainable Construction and Design
- LP24 - Design and Residential Amenity
- LP27 - Flood risk and vulnerability
- LP29 - Safe, Sustainable and Active Transport
- LP32 - Developer Contributions and Planning Obligations

## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

### **A: Summary of Consultations**

[Link to Comments Online](#)

## **Parish Council**

### **Mendlesham Parish Council**

Recommend Refusal: Flooding; Contrary to Policies MP10 and SB3; Impact on setting of Heritage Assets; Impact on Ecology and Public Health; Impact on Public Right of Way.

## **National Consultee**

### **The Environment Agency**

No objection providing the LPA take into account the advised flood risk considerations.

## **County Council Responses**

### **SCC - Highways**

It is noted that this application will use the approved access within application DC/23/00300 drawing number 1982.21.01i. - No objections, subject to compliance with suggested conditions, on this basis.

### **SCC - Rights Of Way Department**

Accept the proposal but ask that the developer is made aware of their rights and responsibilities when carrying out the development - as provided.

### **SCC - Fire & Rescue**

Have seen the application and as it poses no risk, will not be making comment.

## **Internal Consultee Responses**

### **BMSDC - Heritage**

Triage - Do not wish to make comment.

### **BMSDC - Ecology Consultants - Place Services**

No objection subject to securing biodiversity mitigation and enhancement measures.

### **BMSDC - Environmental Health - Land Contamination**

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the advised minimum precautions are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **BMSDC - Environmental Health - Noise/Odour/Light/Smoke**

No objections subject to conditions: Limiting Commercial Related Activities; and Managing Manure; Foul Water Runoff and External Lighting.

### **BMSDC - Public Realm**

Public realm officers have no comment to make.

## **Other Responses**

### **Suffolk Wildlife Trust**

Suffolk Wildlife Trust do not intend to submit any comments regarding this application.

## **B: Representations**

At the time of writing this report at least 5 no. letters/emails/online comments have been received. It is the officer opinion that this represents 5 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Concerns with regards location of the proposed access and impact on Highway Safety, on Junction of Church Road, Glebe Way, Brockford Road, and Oak Farm Lane;
- Concerns proposal could be used for a commercial venture which would intensify impacts;
- Concerns with regards environmental impacts of Manure: flies, vermin and odour;

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

<b>REF:</b> DC/23/00300	Full Planning Application - Erection of 2No dwellings (revised scheme to implemented outline permission for 2No dwellings under 0366/17 and reserved matters approval DC/20/01525).	<b>DECISION:</b> Granted (GTD) 04.04.2023
<b>REF:</b> DC/22/01401	Application under S73 for Removal or Variation of a Condition following grant of Outline Planning Permission ref: 0366/17, dated 27/09/2017, and Reserved Matters Approval ref: DC/20/01525, dated 01/06/2020 - Town and Country Planning Act 1990 - Erection of 2No Dwellings - To vary Condition Numbers 1 and 4 of Outline Planning Permission ref: 0366/17 and Condition Number 2 of Reserved Matters Approval ref: DC/20/01525 to amend the layout, scale and appearance	<b>DECISION:</b> Refused (REF) 11.05.2022

of Plot 1, the landscaping of the site, and to add a phasing condition to enable properties to be built independently of each other.

<b>REF:</b> DC/20/01525	Application for approval of reserved matters following outline approval 0366/17 Appearance, Landscaping, Layout and Scale for Erection of 2No Dwellings.	<b>DECISION:</b> Granted (GTD) 01.06.2020
<b>REF:</b> DC/18/01038 (Adjacent Site)	Outline Planning Application (including access with all other matters reserved) - Erection of 8 dwellings with associated works including vehicular access, provision of a pedestrian link, infrastructure and landscaping.	<b>DECISION:</b> REF (Planning Permission Refused by the LPA) 26.10.2018; Appeal dismissed by PINS 22.03.2021.
<b>REF:</b> 0366/17	Outline planning permission sought for the erection of two detached dwellings.	<b>DECISION:</b> REF (Planning Permission Refused by the LPA) 06.04.2017; Appeal allowed and outline planning permission granted, with conditions, by PINS 27.09.2017.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The site lies adjacent to the east of the village of Mendlesham, to the north-west of Brockford Road, at the Junction with Church Road, Glebe Way, and Oak Farm Lane, on the approach from the A140.
- 1.2. The site lies outside the village settlement boundary and, for planning purposes, lies within the countryside.
- 1.3. The site comprises a large open field which extends north from Brockford Road. Although a small cluster of dwellings sit along the road frontage, the site lies outside the village. Together with the adjoining field and the open churchyard the site is identified as Visually Important Open Space within the adopted Mendlesham Neighbourhood Plan.

- 1.4. The field is on gently rising land and clear views of the Grade I Listed St Mary's Church and the churchyard are available from within the site, along with the eastern part of the Mendlesham Conservation Area in which the Church and other listed buildings and ancient monuments lie.

## **2. The Proposal**

- 2.1. The proposal seeks planning permission for the use of land within the site boundary for the grazing of the applicants' personal horses and for the erection of a stable building to house the horses.
- 2.2. The proposed stable building would be single-storey in scale and would measure 22.3 metres long, by 4.8 metres wide, and would have a dual pitched roof with a maximum ridge height of 4.4 metres above ground level.
- 2.3. The proposed stable building would comprise 3 no. Stables, a Hay and Bedding Store and a Feed and Tack Room. A covered walkway would be included under the proposed roof structure, to the north elevation of the building, in front of the Stable, Store and Tack Room access doors.
- 2.4. The proposed stable building would be externally finished in facing black stained weatherboarding, applied horizontally, and vertical boarded doors. The proposed roofing materials are not specified.
- 2.5. The proposed stable building would be sited parallel to Brockford Road, set back 4.6 metres from the fronting hedgerow and 20.9 metres from the corner of Brockford Road and Church Road.
- 2.6. Hardstanding areas are proposed adjacent to the north and north-east of the proposed building, with vehicle parking and manoeuvring space, for at least 4 no. vehicles and a trailer, to the north-east and a yard area, with permeable surfacing, to the north.
- 2.7. The remainder of the site is proposed to be laid to grass, including the area in between the building and the corner of Brockford Road and Church Road. Existing hedgerow planting to Brockford Road and Church Road are proposed to be retained and additional hedge planting is also proposed internal to the site. Proposed internal fences and gates would be 1.2 metres in height, of post and rail design.
- 2.8. Access is proposed via the existing field access to Brockford Road, which has recently received permission to be upgraded as part of extant planning permission ref: DC/23/00300 for the erection of 2 no. new dwellings adjacent to the north-east of the proposed stable building.

### **3. The Principle of Development**

- 3.1. The proposal site is located outside of any settlement boundary as designated in the current adopted development plan and adoption of the emerging development plan will not alter this provision. Current adopted development plan policy CS2 is, therefore, engaged and regard must also be had to emerging development plan policy SP03 and Table 5 thereof.
- 3.2. Current development plan policy CS2 provides that in the countryside development will be restricted to defined categories in accordance with other core strategy policies. Emerging development plan policy SP03 similarly provides that outside of the settlement boundaries, development will only be permitted in the circumstances listed.
- 3.3. Current adopted development plan policy CS2 exceptions include for recreation developments. Similarly emerging development plan policy SP03 exemptions for development outside of settlement boundaries include for equestrian purposes, with reference to emerging policy LP20.
- 3.4. Furthermore, the current adopted development plan makes provision for horse riding facilities in the countryside at policy CL21:

“The use of land and buildings for keeping horses and for other equestrian activities will be acceptable provided there is not adverse effect on landscape, wildlife habitat, road safety or residential amenity. Proposed buildings should be sited, and of a size and design, to complement their surroundings. Particular care should be taken in the design of jumps and other equipment to avoid unsightliness in exposed landscapes. The district planning authority may impose planning conditions for the removal of jumps and other equipment.

Where new stables or an equestrian centre are proposed applicants will need to demonstrate that riding or other activities can take place:-

- on their own land; and/or
- on other land by legal agreement on a long term basis; and/or
- along nearby defined bridleways or byways.

New dwellings connected with equestrian activities will not be permitted in the countryside”.

- 3.5. The emerging development plan also makes provision for Equestrian or similar other Land Based Uses at policy LP20:
  - “ 1) The use of land for equestrian purposes or other similar animal land-based uses, including the erection of buildings and equipment, may be permitted subject to:
    - a. Applicants demonstrating that they have prioritised the re-use of existing buildings.

- b. Where there are already buildings and structures on site, any new buildings being located close to and/or integrated with the structures to minimise impact on the landscape;
  - c. The siting, size, scale, design, materials being suitable/appropriate for the proposed use and any proposed building or equipment (including lighting and means of enclosure) not creating a significant adverse impact on the natural and local environment or the appearance of the locality;
  - d. Demonstrating the noise, odour or other emissions that are likely to give rise to significant adverse impact on amenity can be effectively mitigated;
  - e. Integrating with existing features and respecting and enhancing the character of the surrounding landscape/area through sensitive integration and where appropriate mitigating the potential impact of permanent structures through good design, layout and siting; and
  - f. Convincingly demonstrating that there are no suitable alternative sites on lower grade land if the proposal is located on the best and most versatile agricultural land.”
- 3.6. The current and emerging development plans are, therefore, considered supportive of the broad principle of the development proposal, subject to assessment of other material planning considerations, and those expressed specifically within the policy wording in particular. Such assessment is provided below:

#### **4. Land Quality**

- 4.1. The existing site is assessed to have a grade 3 (Good to Moderate) Agricultural Land Grade. The site is also assessed to be currently rough undeveloped grass land, not currently used for food production, and evidence suggests this has been the case for a significant amount of time.
- 4.2. As such, it is not considered that the proposal would result in the loss of the best and most versatile agricultural land.

#### **5. Design and Layout**

- 5.1. Current adopted development plan policy CL21 provides that all such proposals, which include for the provision of buildings, should site and design buildings to complement their surroundings.
- 5.2. Emerging development plan policy LP20 provides that: applicants should demonstrate that they have prioritised the re-use of existing buildings; any new buildings being located close to and/or integrated with the structures to minimise impact on the landscape; and the siting, size, scale, design, materials of new buildings should be suitable and appropriate for the proposed use and should not create a significant adverse impact on the natural and local environment or the appearance of the locality.
- 5.3. With no existing buildings present on the site that would be used for the proposed purposes, it is considered reasonable for the applicant to propose a new building in relation to the proposal. The new building is located close to the public highway, adjacent

to approved buildings to the north-east, located where the site is lowest in the landscape, and screened by the fronting hedgerow, proposed to be retained.

- 5.4. The proposed design and materials are also considered to convey a rural, rather than urban or utilitarian character.
- 5.5. It is noted that the majority of the site will remain laid to grass, as existing, and will remain undeveloped.
- 5.6. The proposed layout and design is, therefore, considered appropriate in accordance with current adopted development plan policies CS5, SB3, GP1, HB8, HB13, CL21, RT6, MP5, MP6, MP9, MP10 and MP11, and with emerging development plan policies SP09, LP15, LP17, LP19, LP20, LP23 and LP24.

## **6. Landscape**

- 6.1. Emerging development plan policies LP17 and LP20 require such developments to conserve and enhance landscape character, to integrate developments with existing landscape features, and where appropriate mitigate the potential impact of permanent structures (including on dark skies and tranquil areas) through good design and layout. Impacts.
- 6.2. When considering landscape impact it must also be considered that the site is designated as a Visually Important Open Space (VIOS) in the current adopted Local Plan, and part of the site falls within the Church and Graveyards local green space, and within principle view 10, as designated in the current adopted Neighbourhood Plan. These policies, inter alia, provide that development in such areas will be resisted which would have a harmful effect on their undeveloped form and contribution to the area's character.
- 6.3. Your officer's assessment is that, overall the proposal would not result in a significant landscape or visual impact as the majority of the site would remain undeveloped and remain free of significant operational development and, what operational development is proposed would be located and designed in such a way so as to minimise visual impact.
- 6.4. The proposed siting, scale, design and landscaping of the stable building is not considered to result in a harmful effect on the character of the VIOS or to significantly affect neighbourhood plan principle view 10, due to its siting on the lowest level part of the site, single storey scale and screening offered by existing hedgerow planting, proposed to be retained. The proposed location of the stable building is, therefore, considered to be the optimum viable within the site, being the least intrusive location contained close to the roadside, at the lowest site level, and screened.
- 6.6. Overall no significant conflict is considered with regards current adopted development plan policies SB3, MP9 and MP10, or with emerging development plan policies LP17 and LP20, in landscape impact terms.



## **7. Site Access, Parking and Highway Safety Considerations**

- 7.1. The current application proposal is for use of an existing field access to Brockford Road, which has recently received planning approval to be upgraded in relation to an adjacent development for 2 no. dwellinghouses. The current development proposal would share this access with the 2 no. adjacent dwellings recently approved.
- 7.2. The Local Highway Authority has assessed the latest access and visibility splay proposals and are satisfied that such a proposal would not result in significant harm to existing highway safety. It is also considered that the proposal would generate limited additional traffic movements, that would also not result in a significant impact on the existing highway network.
- 7.3. Your officers consider that the proposed layout demonstrates on-site turning and parking could be provided in accordance with current adopted parking standards, as advised by the Local Highway Authority.
- 7.4. The Local Highway Authority has assessed the current application proposal, and has not raised objection, subject to the imposition of standard highways conditions.
- 7.5. Subject to compliance with conditions as suggested by the Local Highway Authority, therefore, it is your officer opinion that the development currently proposed would not result in as severe impact on existing highway safety. The proposal is, therefore, considered to be in accordance with the provisions of NPPF Paragraphs 110 to 113, with current adopted development plan policies T9 and T10, and with emerging development plan policy LP29, in such regards.

## **8. Impact on Residential Amenity**

- 8.1. Current adopted development plan policies CL21, RT6 and H16, and emerging development plan policies LP20 and LP24 seeks to ensure development protects the amenities of neighbouring occupants and land users. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future land users.
- 8.2. Due to the proposed siting, scale and fenestration layout of the proposed stable building, in relation to nearby neighbouring properties the proposed building would not result in significant demonstrable harm to the amenities currently enjoyed by occupants of neighbouring properties. The proposed Equine land use is also considered to be countryside compatible and not to result in significant amenity harm over and above activities that could otherwise lawfully be carried out on the site.
- 8.3. Your Environmental Protection Officers have also considered the latest proposal and have not raised objection with regards health and amenity impacts, should conditions

limiting commercial activities and managing manure, foul water runoff and external lighting be applied.

## **9. Ecology, Biodiversity and Protected Species**

- 9.1. Your Ecology Consultants have reviewed the Preliminary Ecological Assessment, by DCS Ecology, submitted by the applicant, relating to the likely impacts of development on designated sites, protected and priority species and habitats, and identification of proportionate mitigation.
- 9.2. Your Ecologists agree that no further surveys are needed for bats as the field maples in the southern hedgerow have negligible bat roosting potential and there are no existing buildings on site that could accommodate bat roosts.
- 9.3. It is noted that the site lies within an Amber Risk Zone Area for Great Crested Newts, as 11 no. water bodies lie within 500 metres of the site. However, as there are environmental barriers between those bodies and the site, the nearest two ponds are considered unsuitable for Great Crested Newts and there is no suitable terrestrial habitat for them on site, your Ecologists agree that no further surveys for Great Crested Newts are required.
- 9.4. Your Ecologists support the applicant's proposal for the presence of a suitably qualified ecologist during the removal of any vegetation or wood/building material piles to reduce the risk of impact to reptiles, which may be present.
- 9.5. Your Ecologists are satisfied that there is sufficient ecological information available for determination of the application. This is considered to provide certainty of the likely impacts on designated sites, protected species and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable. As a result, your ecologists advise that the mitigation measures identified in the Preliminary Ecological Assessment (DCS Ecology, March 2023), should be secured and implemented in full.
- 9.6. Should the proposed ecological mitigation and enhancement measures, biodiversity enhancements, and wildlife lighting conditions, as suggested by your consultants, be complied with, it is considered the current development proposal would meet the requirements of NPPF paragraph 174, current adopted development plan policy CL8, and emerging plan policy LP16, in such regards.

## **10. Flood Risk and Surface Water Drainage**

- 8.1. Whilst the proposal site itself lies within Environment Agency Flood Zone 1, wherein there is the least probability (less than 1 in 1000 annually) of flooding, the highway fronting the site (Brockford Road) lies within Environment Agency Flood Zones 2 and 3.
- 8.2. It should, however, be considered that previous applications for housing development on the site and adjacent to have concluded that this does not represent a significant impediment to accessing the site and it should be noted that the Planning Inspectorate have previously granted permission for 2no. dwellings adjacent to the site, on this basis,

which would also use the proposed means of access to the development currently proposal.

- 8.3. There is also no evidence to suggest that the site is at significant risk of flooding from other sources or would significantly increase flood risk elsewhere. The current proposal is, therefore, considered acceptable on such grounds.

## **11. Parish Council Comments**

- 11.1 It is considered that the matters raised by Mendlesham Parish Council have been addressed in the above report.

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## **PART FOUR – CONCLUSION**

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### **12. Planning Balance and Conclusion**

- 12.1. The current and emerging development plans are considered supportive of the principle of the development proposal, subject to assessment of all other material planning considerations.
- 12.2. It is not considered that the proposal would result in the loss of the best and most versatile agricultural land.
- 12.3. The proposed layout and design is considered appropriate in the context of the existing site and area and in accordance with current adopted development plan policies.
- 12.4. The proposed development is not considered to result in significant harm with regards impact on landscape character, visually important spaces and views, or the setting of heritage assets.
- 12.5. Subject to compliance with conditions as suggested by the Local Highway Authority, the development currently proposed would not result in a severe impact on existing highway safety.
- 12.6. The proposal is not considered to result in a significant impact on the amenities currently enjoyed by nearby occupants and land users.
- 12.7. The proposal is not considered to result in harm to protected and priority species or their habitats and biodiversity mitigation and enhancement measures would be ensured by way of conditions.
- 12.8. There is also no evidence to suggest that the site is at significant risk of flooding from other sources or would significantly increase flood risk elsewhere.
- 12.9. The current proposal is, therefore, considered to represent sustainable development.

## **RECOMMENDATION**

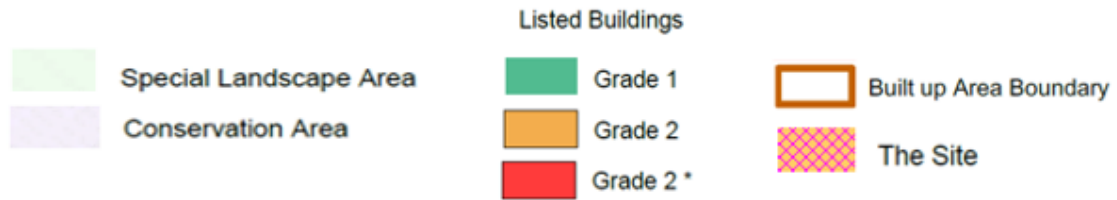
**That the Chief Planning Officer be authorised to Grant Planning Permission subject to conditions as summarised below and/or those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (3 years to commence the scheme);
- Approved Plans and Documents (Those submitted that currently form this application);
- Detailed Landscape Scheme and Aftercare;
- Approval of external facing and roofing materials and colours;
- Development to be carried out in accordance with the approved ecological appraisal recommendations;
- Biodiversity Enhancement Scheme to be agreed and implemented;
- Lighting Scheme to be agreed (if external lighting required) and PD removed for external lighting;
- Restriction on development - not to be used as commercial livery, riding school or for other business purpose(s);
- Manure management: Muck Pad and runoff control, and no burning;
- Highways - Access to be provided, as proposed, prior to first use;
- Highways - Access Visibility Splays to be provided, as proposed, prior to first use;
- Highways - Access to be surfaced with a bound material for a minimum distance of 10 metres from the metalled carriageway;
- Highways - Means to prevent surface water flowing from the access onto the highway;
- Highways - Gates to be set 10 metres back from the highway edge and not to open towards the highway; and
- Highways - Onsite Turning and Parking to be provided, as proposed, prior to first use, and thereafter retained.

Application No: DC/23/00305

Parish: Mendlesham

Location: Land Adjacent to 17 Brockford Road, Mendlesham, IP14 5SG



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# Agenda Item 7b

## Committee Report

**Item No: 7B**

**Reference: DC/23/03872**

**Case Officer: Nikita Mossman**

**Ward: Claydon & Barham.**

**Ward Member/s: Cllr David Penny. Cllr John Whitehead.**

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

Planning Application - Erection of additional E(g) business units building, and associated works.

### **Location**

Hemingstone Fruit Farm, Main Road, Hemingstone, IP6 9RJ

**Expiry Date: 11/12/2023**

**Application Type: FUL - Full Planning Application**

**Development Type: Minor Manufacture/Ind/Storage/Warehouse**

**Applicant: J Gorham**

**Agent: Nick Barber**

**Parish: Hemingstone**

**Site Area: 0.63**

**Details of Previous Committee / Resolutions and any member site visit: None**

**Has a Committee Call In request been received from a Council Member (Appendix 1): No**

**Has the application been subject to Pre-Application Advice: Yes - DC/23/01576**

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The Corporate Director considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework  
NPPG - National Planning Policy Guidance

#### Adopted Mid Suffolk Core Strategy Focused Review (2012)

FC1 - Presumption in Favour Of Sustainable Development  
FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development

#### Adopted Mid Suffolk Core Strategy (2008)

CS1 - Settlement Hierarchy  
CS2 - Development in the Countryside & Countryside Villages  
CS5 - Mid Suffolk's Environment

#### Adopted Mid Suffolk Local Plan (1998)

GP1 - Design and layout of development  
HB1 - Protection of historic buildings  
CL8 - Protecting wildlife habitats  
CL9 - Recognised wildlife areas  
E2 - Industrial uses on allocated sites  
E3 - Warehousing, storage, distribution, and haulage depots  
E4 - Protecting existing industrial/business areas for employment generating uses  
E9 - Location of new businesses  
E12 - General principles for location, design, and layout  
T9 - Parking Standards  
T10 - Highway Considerations in Development

#### Emerging Joint Local Plan Modifications (2023)

SP03 - The sustainable location of new development  
SP05 - Employment Land  
LP09 - Supporting a Prosperous Economy  
LP17 - Landscape  
LP19 - The Historic Environment  
LP24 - Design and Residential Amenity

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.



## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

### **A: Summary of Consultations**

[Link to Comments Online](#)

#### **Hemingstone Parish Council**

Object:

- All Councillors agreed to support the residents and request the local planning authority object to this application;
- Request the District Council call this application in to committee if minded to approve;
- The proposal will have a major adverse impact on the local residents including, but not limited to: concerns over the working hours and activities on the site and the enforcement if these should be breached; and the adverse effect of the light, noise and smell pollution;
- The industrial activity, unique to this site, is not in keeping with the rural setting of the Parish;
- The proposed operating hours would have an adverse impact of the residents living in a Parish, classified as a Hamlet;
- The local planning authority must take into account the previous and current complaints concerning the activities on the site and the live enforcement case.

#### **National Consultee Responses**

##### **Essex and Suffolk Water:**

No response received.

#### **County Council Responses**

##### **SCC - Highways - Received 20/09/2023**

No objection subject to conditions regarding visibility splays, the parking arrangements, and the refuse bins arrangements.

##### **SCC - Travel Plan - Received 21/08/2023**

No comments to make.

##### **SCC - Fire and Rescue - Received 25/08/2023**

A planning condition requiring fire hydrants, details of, and ensuring implementation and retention thereafter is required if the LPA is minded to approve.

Until Suffolk Fire and Rescue Service receive confirmation from the water authority that the installation of the fire hydrant has taken place, the planning condition shall not be discharged.

**SCC - Public Rights of Way:**

No response received.

**Internal Consultee Responses**

**BMSDC - Heritage Team - Received 27/10/2023**

The proposal affects the setting of the Grade II listed Charity Farmhouse, an 18<sup>th</sup> Century former farmhouse which lies to the north of the proposal site.

The proposal, in its current form, would cause a very low to low level of less than substantial harm to the setting of Charity Farmhouse, insofar as it contributes to its significance, contrary to paragraph 194 of the NPPF. Insufficient information proportionate to the assets' importance has been provided in order to fully assess the potential impact of the proposal on their significance. The works therefore fail to meet the requirements of the NPPF, Joint Local Plan Policy LP19 and Mid Suffolk Local Plan Policy HB01.

**BMSDC - Economic Development - Received 29/09/2023**

Support the development proposal - These small, rural business centres provide a vital source of employment - Whilst there are no identified end users at this time, there is an unmet need for small business space in this location and significant interest and full uptake are anticipated - EV parking and full solar array on the roof of the proposed development are very welcome as this will help mitigate energy costs and ensure that the development is as sustainable as possible.

**BMSDC - Environmental Health (Noise/Odour/Light/Smoke) - Received 01/09/2023**

No Objection - Subject to Construction Management Plan Condition:

- minimal adverse impact from this development;
- The applicant will have to ensure that the construction of the development does not impact on the wider local amenity;
- The design proposals are reasonable in environmental health terms.

**BMSDC - Environmental Health (Land Contamination) - Received 22/09/2023**

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the advised minimum precautions are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

**BMSDC - Ecology Consultants - Place Services - Received 24/10/2023**

No Objection - Subject to Biodiversity Enhancement and Wildlife Friendly Lighting Strategy Conditions:

- Have reviewed the Preliminary Ecological Appraisal submitted;
- Now satisfied that there is sufficient ecological information available for determination;

- Note that no signs of bats were found on site and therefore agree that no further surveys for bats are required, unless the two Black Poplars on the site boundary are affected, which have moderate bat roost potential;
- Although site lies in an Amber Risk Zone Area for Great Crested Newts (GCN), the habitats on site are sub-optimal and there are no records for GCN on site. Agree that no further surveys for GCN are required;
- There are records for reptiles nearby and support the recommendation that any debris or building material shall be removed under the supervision of an ecologist.

**BMSDC - Enforcement - Received 18/08/2023**

There is a live enforcement case on this site. No further comments to make.

**B: Representations**

At the time of writing this report at least 13 letters/emails/online comments have been received. It is the officer opinion that this represents 13 objections, 0 support and 0 general comments. A verbal update shall be provided as necessary.

Views are summarised below:-

- Affects Local Ecology/Wildlife
- Development too high Harm to Listed Building
- Health & Safety
- Inappropriate in a Conservation Area
- Increase in Pollution
- Increased Traffic/Highways Issues
- Landscape Impact
- Light Pollution
- Loss of Privacy
- Noise
- Out of Character with the Area
- Over development of site
- Potentially Contaminated Land
- Potential for units to be used for residential purposes
- No information on use
- Private right of way being blocked
- Highways safety

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

<b>REF:</b> DC/20/01583	Discharge of Conditions Application for DC/19/05879- Condition 6 (Biodiversity Enhancement Strategy)	<b>DECISION:</b> Granted (GTD) 10.06.2020
<b>REF:</b> DC/19/05879	Full Planning Application - Continued use for storage and distribution (Class B8) and builders' yard (sui generis) including associated offices.	<b>DECISION:</b> GTD 20.03.2020
<b>REF:</b> DC/19/03622	Outline Planning Application (All matters reserved) - Erection of up to 10 No. dwellings (following demolition of existing cold storage sheds and associated hard standing) (re-submission of refused application DC/18/03290).	<b>DECISION:</b> Refused (REF) 18.11.2019
<b>REF:</b> DC/18/03290	Outline Planning Application (All matters reserved) Demolition of existing cold storage sheds and associated hard standing. Erection of up to 10 No. dwellings.	<b>DECISION:</b> REF 23.01.2019
<b>REF:</b> 4110/16	Application for a Lawful Development Certificate for an Existing Use. Continued use of farm and buildings for the storage of fruit produced off site and onward distribution.	<b>DECISION:</b> Was Lawful (LU) 26.05.2017
<b>REF:</b> 0587/03/	NEW VEHICULAR ACCESS	<b>DECISION:</b> GTD 16.02.2004
<b>REF:</b> 0467/98/	RETENTION OF PROVISION OF 2 NO. PORTACABINS FOR A TEMPORARY PERIOD OF 3 YEARS TO BE USED IN CONJUNCTION WITH EXISTING JAM FACTORY.	<b>DECISION:</b> GTD 29.07.1998
<b>REF:</b> 0467/94/	ERECTION OF JAM AND ASSOCIATED PRODUCTS MANUFACTURING AND STORAGE BUILDING FOLLOWING DEMOLITION OF EXISTING BUILDING ON SITE WITH USE OF EXISTING VEHICULAR ACCESS.	<b>DECISION:</b> GTD 05.07.1994

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1 Hemingstone Fruit Farm is in a countryside location and was previously used for the growing of fruit. The site now contains business units which is used by C&L Construction Ltd as well as associated offices. The area which the proposed buildings are sited is arable land which was previously used for planting. There is on-site parking which is being retained.
- 1.2 The site is opposite numerous residential properties with one being a Grade II listed building known as Charity Farmhouse which is approximately 92m away from the proposed building. The site is in Flood Zone 1 which means there is a very low risk of fluvial flooding. There is a portion of the site to the east, which is at risk of pluvial flooding, but no part of the development is on this portion of the site.

### **2. The Proposal**

- 2.1. The proposal seeks permission for the erection of additional E(g) business units building with associated works. This is to provide 6no. units to be let out to businesses. This is proposed to be sited on agricultural land to the south of the existing business units.
- 2.2. The proposed dimensions are 53.1m in length, 11.3m in width and a maximum eaves height of 3.2m and a maximum ridge height of 4.4m. The total floor area of the proposed building is 600 square metres with the internal floor area for each unit being indicative depending on demand of potential businesses.
- 2.3. The proposed materials are powder coated metal composite panels and trims with the colour to be agreed for the walls and roof. The windows and doors are proposed to be UPVC. There is also proposed to be photo-voltaic arrays on the roof.

### **3. The Principle of Development**

- 3.1. The application site is located outside of the settlement boundary. Policy CS2 lists the acceptable forms of development that may be considered within these areas. New-build employment generating proposals where there is a strategic, environmental, or operational justification is one of the permitted exceptions listed within Policy CS2.
- 3.2. Mid Suffolk Local Plan Policy E9 stipulates that where it can be demonstrated that there is a lack of sites or premises for new businesses within nearby settlements, proposals may

be acceptable on small sites closely related to existing industrial or commercial sites or the existing built-up area of a town or village.

- 3.3. Local Plan Policy E10 aligns with Policy CS2 in its requirement for justification/evidence of need, stating that new industrial and commercial development in the countryside will not be permitted unless an overriding need to be located away from towns and villages can be demonstrated.
- 3.4. Whilst the Development Plan does not explicitly prevent new commercial development in the countryside, it requires proposals to demonstrate a sequential approach to location having regard to the need for such development. This is consistent with the approach applied by the NPPF (2023) paragraphs 84 and 85, "...decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport..." [paragraph 85].
- 3.5. Notwithstanding need, paragraph 85 goes on to state that "...it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)".
- 3.6. On 19th September 2023, Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan (JLP). The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. Accordingly, officers have considered the modified policies having regard to the requirements of paragraph 48 of the NPPF, as relevant to the determination of this planning application. The JLP and its policies are a material consideration of significant weight in this case.
- 3.7. JLP Policy SP03 states that "outside of the settlement boundaries, development will normally only be permitted where the site is allocated for development, or in a made Neighbourhood Plan, or is specifically permitted by other relevant policies of this Plan, or it is in accordance with paragraph 80 of the NPPF (2021).
- 3.8. The emerging JLP Policy SP05 supports land for employment uses (other than designated strategic employment sites) along the strategic transport corridors (i.e., 2km from the A12, A14 and A140) in principle. The proposed development does not satisfy the strategic transport corridor test within Policy SP05.
- 3.9. Whilst the proposal is an expansion of an existing employment site, the proposal does not represent an expansion of an existing business. The proposal is brought forward on a speculative basis with no identified occupiers. As a result, the applicant is not in a position to evidence a commercial need for the proposed development, nor have they provided strategic, environmental, or operational justification in regard to this location. The speculative nature of the proposal has prevented this. Notwithstanding the recognised demand, this does not negate the requirement to evidence a locational need.
- 3.10. The proposal comprises new build commercial development in the countryside, contrary to Policy CS2, E9 and E10 of the Development Plan, emerging JLP Modifications policies

SP03 and SP05, and the NPPF. The significant redevelopment of the small-scale industrial site would materially compromise the spatial strategy of the Council and undermines the aims and objectives of those policies.

#### **4. Site Access, Parking and Highway Safety Considerations**

- 4.1. The site is accessed via Main Road which runs along the east of the site. Based on the site plan provided, there are approximately 46no. parking spaces on the site which are to be retained. The proposal provides 23no. vehicle parking spaces which include 2no. disabled bays and 3no. electric vehicle charging points. There is also allocated space for 8no. bicycles under a shelter and 4no. motorcycle bays.
- 4.2. SCC Highways were consulted on the application and raised no objection subject to conditions securing visibility, parking and refuse bins storage.
- 4.3. It is noted that there is concern regarding a private right of way which runs through the site which is owned by a nearby property and the impact the proposal would have on the access to this right of way. The proposal is not sited on the private right of way, and would not require a change to the right of way. SCC Rights of Way were consulted and no response received. The proposal is not considered unacceptable in this regard.

#### **5. Design and Layout**

- 5.1. Section 12 of the NPPF requires inter alia that local planning authorities seek to promote and reinforce local distinctiveness as well as design. Paragraph 130 of the NPPF states that decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, and function well and add to the overall quality of the area.
- 5.2. Policy GP1 calls for proposals to, amongst other matters, maintain and enhance the character and appearance of their surroundings, materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate.
- 5.3. JLP Policy LP24 states that 'all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its context'.
- 5.4. The proposed unit is similar to the current units in terms of appearance and design. The size and scale of the proposed building is not considered excessive in its setting. It is also not likely to significantly impact the surrounding area and landscape due to the heavy screening around the site.
- 5.5. A new drainage swale is proposed to assist with site rainwater drainage, which would be formed in conjunction with the existing ditch network adjacent to the road. This area will include a staff picnic area accessible to all units & employees, as well as soft landscaping, wildflower planting, reinforcement and management of existing landscape buffers, further

specimen tree planting to enhance the biodiversity of the site and wider area, as well as diminishing further any potential visual or auditory impact upon the immediate surroundings.

- 5.6. To conclude, the proposal would not erode the character of the area, nor reduce the amenity of the area by means of appearance, traffic generation, nuisance or safety and accords with policies GP1 of the Local Plan, LP24 of the emerging JLP, and the NPPF.

## **6. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 6.1. The site benefits from mature hedging and trees which borders the site, therefore, the area where the proposed buildings are located is heavily screened from the highway. These trees are proposed to be retained as well as further wildflower planting being introduced. The impact the proposal would have on the landscape is minimal due to this.
- 6.2. Places Services Ecology were consulted on this application to assess the Preliminary Ecological Appraisal submitted as part of this application. They have raised no objection subject to conditions in relation to securing biodiversity mitigation and enhancement measures.

## **7. Land Contamination, Flood Risk, Drainage and Waste**

- 7.1. An environmental report (IE23/069/SITI) was provided as part of the application. The Council's Environmental Health officer (Land Contamination) was consulted on this application and raised no objection and recommended a note regarding the event on unexpected ground conditions and the procedure to follow if such event occurs.
- 7.2. There is a small portion of the site to the east which is at risk of pluvial flooding. The area is occupied by trees and the proposed use for the nearby area is a staff picnic area. Therefore, as the proposed buildings are not within the area of surface water flood risk, it is not considered to be detrimental to the proposal.

## **8. Heritage Issues**

- 8.1. A proposal that includes the curtilage or setting of a Listed Building or works to a Listed Building must respond to this significant consideration. The duty imposed by the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building must be given "considerable importance and weight\*". (\*Bath Society v Secretary of State for the Environment [1991] 1 W.L.R. 1303).
- 8.2. The Council's Heritage Team were consulted on this application and concluded that the proposal would cause a very low to low level of less than substantial harm to Charity Farmhouse, insofar as its setting contributes to its significance.
- 8.3. The site layout in its proposed form would further impact the appreciation of the farmhouse and its formally functional historic relationship with the surrounding agrarian landscape.



There are also concerns that an increase in commercial activity may further disrupt the relative tranquillity of the farmhouse's setting.

- 8.4. It is considered that alternative site layouts, which avoided further development enclosing the farmhouse, may not cause this cumulative harm. It should also be noted that no heritage impact assessment has been submitted as part of this application, contrary to the requirements of the NPPF and Policy LP19 of the emerging JLP.
- 8.5. Paragraph 202 of the NPPF states: "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 8.6. Due to the number of jobs created by the new business units, with both the construction of the units and with the staff who would work in the units, it is seen that the public benefit would outweigh the very low level of less than substantial harm to the setting of the heritage asset which is in line with Paragraph 202 of the NPPF. Therefore, the lack of heritage information does not amount to a reason for refusal.
- 8.7. The proposal is considered acceptable in this regard.

## **9. Impact on Residential Amenity**

- 9.1. With regard to Mid-Suffolk Local Plan Policy H16 and emerging JLP Policy LP24, it is crucial that development does not detrimentally affect residential amenity.
- 9.2. It is considered that this proposal does not give rise to any concerns of loss of neighbouring amenity (overlooking, loss of light, loss of privacy or overshadowing). This is because the neighbouring properties are of a significant distance from the proposed unit which makes the potential impacts on neighbouring amenity minimal and are not likely to be significant enough to warrant refusal.
- 9.3. The Council's Environmental Health team (Noise/Odour/Light/Smoke) were consulted on this application, and they raised no objection subject to conditions. Therefore, the proposal is considered acceptable in this regard.

## **10. Parish Council Comments**

- 10.1. It is considered that matters raised by Hemingstone Parish Council have been addressed in the above report.
- 10.2. Further elaboration can be provided by your officers, as required.

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## **PART FOUR – CONCLUSION**

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### **11. Planning Balance and Conclusion**

- 11.1. The proposed development is considered unacceptable in principle due to the unsustainable location of the site. The proposed development is brought forward on a speculative basis with no identified occupiers and whilst an extension of an existing site, does not represent an extension of an existing business. The applicant has failed to evidence a commercial need for the proposed development, nor have they provided strategic, environmental, or operational justification in regard to this location.
- 11.2. The proposal represents new build commercial development in the countryside, contrary to Policy CS2, E9 and E10 of the Development Plan, emerging JLP Modifications policies SP03 and SP05, and the NPPF. The significant redevelopment of the small-scale industrial site would materially compromise the spatial strategy of the Council and undermines the aims and objectives of those policies.
- 11.3. Even if the "tilted balance" were considered to be engaged the significant and demonstrable harm to the strategic purpose of the development plan in achieving sustainable development and the importance of a plan led system, in addition to the environmental harm identified, would be such that planning permission should not be granted.
- 11.4. The proposed development is not considered to comprise sustainable development. The proposal breaches the Development Plan as a whole and the NPPF, the Councils emerging Joint Local Plan reinforces the direction to refuse the application.
- 11.5. The proposal is considered to cause a low level of less than substantial harm to the setting of the nearby heritage asset due to the cumulative impact of the business units on the site and the concern regarding the increase in commercial activity impacting the tranquillity of the heritage asset. However, due to the creation of jobs that could arise from the proposal, the public benefit outweighs the harm in accordance with paragraph 202 of the NPPF.
- 11.6. The proposal would have no detrimental impact on the privacy and amenity of nearby neighbouring properties. The existing parking and access are being retained with further parking being provided, and therefore there is not a detrimental risk to highway safety. The proposal is in keeping with the character, form and materials of development on the existing site. However, these considerations do not outweigh the breaches to the Development Plan.
- 11.7. Based on the above, the application is recommended for refusal.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to refuse planning permission for the following reason(s): -

**The proposal represents new build commercial development in the countryside, where new build employment development is subject to a strategic, environmental, or operational justification. The applicant has failed to evidence a commercial need for the proposed development, nor have they provided strategic, environmental, or operational justification in regard to this location and therefore, the proposal is considered unacceptable in principle.**

**The significant extension of the small-scale industrial site in the countryside would materially compromise the spatial strategy of the Council and undermines the aims and objectives of those policies.**

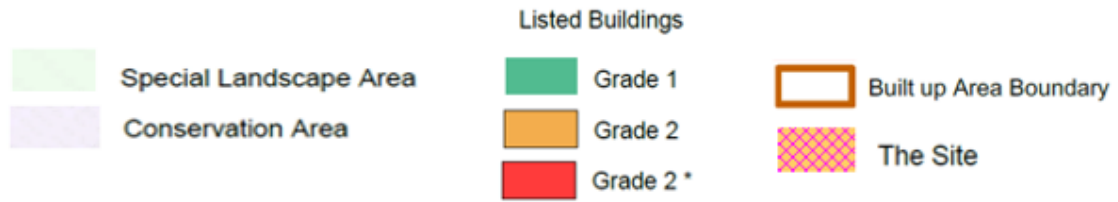
**The proposal is contrary to: policies CS2, E9 and E10 of the Development Plan; emerging JLP policies SP03 and SP05; and is not considered to represent sustainable development when assessed against the provisions of the NPPF, taken as a whole.**

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Application No: DC/23/03872

Parish: Hemingstone

Location: Hemingstone Fruit Farm



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