

Committee Report

Item No: 7A

Reference: DC/23/02158

Case Officer: Alex Scott

Ward: Needham Market.

Ward Member/s: Cllr Terry Lawrence. Cllr Ross Piper.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Change of Use of agricultural land to form additional parking area and siting refrigeration equipment including container associated with farm shop (retention of).

Location

Alder Carr Farm, St Marys Road, Creeting St Mary, Ipswich Suffolk IP6 8LX

Expiry Date: 15/03/2024

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Alder Carr Farm

Agent:

Parish: Creeting St Mary

Site Area: 0.17 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 (Appendix 1): No

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The applicant is a close family relation of a MSDC Councillor.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

SP03 - The sustainable location of new development

SP05 - Employment Land

SP09 - Enhancing and Managing the Environment

LP09 - Supporting a Prosperous Economy

LP12 - Tourism and Leisure

LP16 - Biodiversity & Geodiversity

LP17 - Landscape

LP19 - The Historic Environment

LP22 - New Agricultural Buildings

LP24 - Design and Residential Amenity

LP27 - Flood Risk and Vulnerability

LP29 - Safe, Sustainable and Active Transport

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

Click here to view Consultee Comments online

Town/Parish Council

Creting St Mary Parish Council

No objection.

Needham Market Town Council

Object on following grounds:

The proposals in the planning application are contrary to the Mid Suffolk Local Plan Policy CL17 in that they will cause a materially detrimental effect on nearby residential amenity.

County Council Responses

SCC Highways

No objection subject to standard condition regarding on-site vehicle parking and manoeuvring.

Internal Consultee Responses

BMSDC - Heritage Team

Having considered all information provided by the applicant and third parties, conclude that there is inherent harm in introducing shipping containers into the setting of The Old Hall, due to its industrial, modern appearance that is incongruous to the setting of the Grade II Listed The Old Hall. Your heritage officers advise that this this harm is rated at a low level of less than substantial harm to the significance of The Old Hall.

The applicant has suggested mitigation measures that would reduce the prominence of these containers, and as such, a slight reduction in the harm level would be appropriate, provided these measures can be secured via conditions.

Conditions requested should the LPA be minded to approve: Manufacturers details or appropriately scaled drawings, as appropriate, of the proposed cladding for the containers on site; Details of proposed screening and locations, including screening of the A/C units; and details of any proposed hedging/planting.

BMSDC - Environmental Protection

Should planning permission be granted - advise a condition to: Reorientate or replace the chiller unit as specified in Section 4.7 of the Acoustic Report; and Undertake noise validation checks, by a suitably qualified individual, to demonstrate that the refrigeration plant, operating at full capacity, does not exceed the background noise levels as stated within the report, at the boundary of the nearest noise sensitive dwelling. Should the measurements determine that the levels exceed this level, a further scheme of noise mitigation shall be submitted to and agreed in writing by the LPA and implemented within 28 days.

B: Representations

At the time of writing this report letters/emails/online comments have been received from at least 7 no. third parties. It is the officer opinion that this represents 5 no. supporting representations and 2 no. objecting representations. A verbal update shall be provided as necessary.

Grounds of objection are summarised as follows:

- Adverse heritage character impacts;
- Adverse residential amenity impacts by way of excessive noise;
- Vehicles obstruct the shared accessway preventing access to The Old Hall (a neighbouring residential property, to the south-east of the proposal site);
- Errors of fact in the application form.

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

PLANNING HISTORY

REF: DC/21/03294	Class R - Change of use from agriculture to Flexible use	DECISION: Permitted Development (PDV) 19.07.2021
REF: 0203/13	Erection of toilet for disabled use with external washing trough.	DECISION: Granted (GTD) 21.03.2013
REF: 2360/11	Installation of 40 no. Solar Panels.	DECISION: GTD 16.09.2011
REF: 2280/07	Use of land for stationing one mobile home for occupation by farm livestock Manager.	DECISION: GTD 04.10.2007
REF: 2686/06	Erection of agricultural workers dwelling, alterations to existing access and all ancillary works	DECISION: Refused (REF) 28.06.2007
REF: 2627/06	Change of use of area occupied by 'Piggery Pottery' to use in connection with and as part of existing farm shop.	DECISION: GTD 12.12.2006
REF: 1048/06	Placing of three bottle banks and a textile bank	DECISION: GTD 11.08.2006
REF: 0240/02/	Erection of single-storey extension to north elevation of Farm Shop	DECISION: GTD 10.04.2002
REF: 0034/99/	Construction of vehicular access to the highway and erection of garage	DECISION: GTD 24.05.1999
REF: 0875/94/	Erection of extension to farm shop; erection of extension and part rebuilding of two workshops.	DECISION: GTD 26.10.1994
REF: 0924/83	Continued use of land for the stationing of a residential caravan for a period of one year (previously permitted under 366/81)	DECISION: GTD 20.12.1983
REF: 0923/83	Conversion of existing redundant agricultural buildings to form pottery, with ancillary showroom and shop	DECISION: GTD 20.12.1983
REF: 0420/83	Conversion of barn to dwelling,	DECISION: GTD 24.06.1983
REF: 0114/82/OL	Conversion of barn to dwelling (previously permitted under outline planning permission OL/151/81)	DECISION: GTD 01.10.1982

REF: 0151/81/OL

Conversion of barn to dwelling

DECISION: GTD
29.10.1981

REF: 0366/81

Use of land for the stationing of a residential caravan for three years for occupation by a horticultural worker

DECISION: GTD
22.05.1981

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. Alder Carr Farm is located in the countryside, within the Parish of Creeting St. Mary, in close proximity to the east of the town of Needham Market. Alder Carr Farm operates as a farm shop, butchery, and café together with separate retail units for small businesses/shops. The farm shop, butchery and café are accommodated in a complex of former farm buildings. In the centre of the complex is the remaining 'buck' (or body) of a former post mill that is Grade II listed. The separate retail units are located northeast of the complex. Car parking is located north of the complex and east of the separate retail units, providing parking for staff and customers.
- 1.2. To the south-east of the site lies The Old Hall, a Grade II listed building in use as a single residence, which relies on access through Alder Carr Farm, to the public highway.
- 1.3. The complex is surrounded by agricultural fields forming a part of Alder Carr Farm, in the ownership of the applicant.
- 1.4. Vehicular access is taken from St Mary's Road, northwest of the site. A public footpath runs adjacent to the site's western boundary, adjacent the River Gipping, commencing at the point of access with St Mary's Road.

2. The Proposal

- 2.1. The application is retrospective and seeks approval for three elements:

Retention of the use of former agricultural land for a 17m x 46m car park, located north of the farm shop. The car park provides up to 35 car spaces in an informal manner (no line markings). The car park is grassed. The eastern and southern sides of the car park are hedged. The application proposes hedge screening to the western side of the car park.

Retention of a refrigerated container sited west of the complex. The application proposes to clad all elevations of the container, except the northern doors, with horizontal timber cladding (the container is currently partly clad in unpainted vertical timber boards). The application proposes to decommission the container's existing southern condenser unit and place a new 1m x 0.66m x 0.44m condenser unit on the western side of the container at its northern end. Hedge screening is proposed west of the new condenser unit location. A vehicle loading area is shown immediately north of the refrigerated container, allowing delivery vehicles to load and unload from the container without obstructing the shared access serving The Old Hall.

Retention of three air conditioning units located on the western side of the farm shop building. A 1m x 1.6m black timber weatherboard screen is proposed at the northern end of the units.

3. The Principle of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determination of planning applications to be made in accordance with the development plan unless material considerations indicate otherwise, the benchmark of planning decision-making.
- 3.2. The development plan comprises the Joint Local Plan which replaces the previous Mid Suffolk Local Plan (September 1998), Core Strategy Development Plan Document (September 2008) and Core Strategy Focused Review (December 2012). It is consistent with the NPPF 2023 and is attached full statutory weight.
- 3.3. The development plan policies most relevant in consideration and determination of the application proposal are: SP03; SP05; LP09; LP12; LP16 LP17; LP19; LP22; LP24; and LP29, as described above.
- 3.4. Development plan policy SP03 provides that the principle of development is established within settlement boundaries, with exceptions listed at Table 5 of that policy, in relation to proposed developments outside of settlement boundaries. It is considered that the proposed development relates to a small scale employment development, in relation to plan policy SP05, and therefore meets with the requirements of SP03 in this respect.
- 3.5. The principle of the proposed development is, therefore, considered acceptable, subject to acceptability in respect of all other material planning considerations. Those considered most relevant to the application proposal are set out below:

4. Design and Layout and Impact on Heritage Assets

- 4.1. Paragraph 08.04 of the JLP provides that, in applying policy SP03, the intrinsic character of the countryside should be recognised.
 - 4.2. Plan policy LP24 (Design and Residential Amenity) requires 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.
 - 4.3. As appropriate to the current proposal, LP24 also requires proposals to:
 - Respond to and safeguard the existing character/context;
 - Create character and interest; be designed for health, amenity, well-being and safety;
 - Respond to the wider townscape/landscapes and safeguarding the historic assets/ environment and natural and built features of merit;
 - Be compatible/harmonious with its location and appropriate in terms of scale, mass, form, siting, design, materials, texture and colour in relation to the surrounding area;
 - Protect and retain important natural features including trees or hedgerows during and post construction;
 - Create/reinforce a strong design to the public realm incorporating visual signatures;
 - Incorporate high levels of soft landscaping and trees;
 - Protect the health and amenity of occupiers and surrounding uses by avoiding development that is overlooking, overbearing, results in a loss of daylight, and/or unacceptable levels of light pollution, noise, vibration, odour, emissions and dust, including any other amenity issues; and
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- Provide appropriate long-term design principles and measures in terms of privacy and adequate facilities such as bin storage (including recycling and re-use bins) and secure cycle storage.

The current proposal is considered to comply with these planning policy requirements as the design and layout of the proposal is considered to be appropriate to the existing rural character and quality of the site and its surrounds, to safeguard the setting and significance of historic assets, to protect existing natural features such as trees and hedgerows, and proposes additional native species planting, to not result in significant harm to the amenities of neighbouring occupants, to improve onsite car parking and manoeuvring and to maintain existing secure bin and storage areas, to the service yard to the east of the buildings.

- 4.4. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving listed buildings and their setting which is of considerable weight and importance.
 - 4.5. In addition to the requirements of plan policy LP24, policy LP19 provides that the LPA will support, amongst other heritage related outcomes, proposals that contribute to local distinctiveness, respecting built form and scale of heritage assets, through the use of appropriate design and materials.
 - 4.6. The heritage concern relates to the potential impact on the significance of The Old Hall, the former Post Mill, and the barn complex itself, including the settings of the surrounding listed buildings.
 - 4.7. In response to initial concerns raised by the Heritage Team, the application has been amended with measures included to mitigate the harm to the significance of the aforementioned heritage assets. The proposed mitigation measures are as follows:
 - Placement of a 45 metre section of native hedging along the western side of the proposed car park to screen it from public views, across the landscape;
 - Placement of a black timber weatherboard screen to the northern side of the three air conditioning units, to screen them in views;
 - Cladding of all elevations of the refrigerated container, except the northern doors, with horizontal timber cladding;
 - Placement of an 18 metre section of native hedging along the western side of the access to screen the refrigerated container (including repositioned west facing condenser unit) from the approach.
 - 4.8. Your Heritage Officers advise that their initial comments were first provided in advance of any heritage statement being provided, and since this point, additional information has been provided by both the applicant and by the owners of The Old Hall. This information is welcomed and clarifies the curtilage listing status of the barns. Both documents agree that due to the degree of separation between the sites, and the fact that the Alder Carr barn complex is a closed yard type, that it is unlikely to be qualify as 'curtilage listed'. Your heritage officers concur with this point, considering this additional information.
 - 4.9. Your heritage officers advise that, regardless of the above point, relating to curtilage listed buildings, the setting of The Old Hall would be considered to be much larger than its immediate curtilage, and covers the undeveloped and rural landscape it sits in, as well as the Alder Carr barn complex. The barn complex forms part of this wider setting, and it is considered to contribute positively to the historic farmstead group, as does the undeveloped landscape surroundings.
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Therefore, the harm to the setting and therefore significance of The Old Hall is contained only to this aspect of its setting, and does not impact the rural and undeveloped nature of the surrounding landscape.

- 4.10. Whilst incremental changes at the Alder Carr complex have led to an increase in the footprint of the buildings, they appear within the context of the farmhouse, replicating traditional forms and follow the historic planform of the lost barns to a degree. There is an authenticity to the development that is not at odds with The Old Farm and the character and prevailing historic uses of the land. As this does not form part of the current proposal, it is not appropriate to include any harm that may have arisen historically from these changes in your officers' current recommendation.
- 4.11. Regarding the level of harm that your Heritage Officers have attributed to this application, this is due to the small-scale nature of the proposals, that do not impact the wider setting of The Old Hall, as mentioned above. The Dovecote has been moved three times, and as such there is very little of its significance derived from its setting. The shipping container and AC units within this application are also sited out of view and out of context for the Dovecote.
- 4.12. It should also be noted that the impact is assessed against each heritage asset individually, and the harm to one asset does not increase incrementally because other assets are affected.
- 4.13. In conclusion, your heritage officers maintain that there is inherent harm in introducing shipping containers into the setting of The Old Hall, due to its industrial, modern appearance that is incongruous to the setting of The Old Hall. Your officers advise that this harm is rated at a low level of less than substantial harm to the significance of The Old Hall. However, the applicant has suggested mitigation measures that will reduce the prominence of these containers, and as such, a slight reduction in the harm level would be appropriate, provided these measures can be secured via conditions.
- 4.14. In accordance with NPPF paragraph 208, the less than substantial harm identified must be weighed against the public benefits of the scheme. It is the view of your officers that Alder Carr Farm is a long established local business, providing employment opportunities and local produce for local consumption and wholesale. The NPPF recognises the importance of a prosperous rural economy, with paragraph 88 promoting the development and diversification of land based rural business. The continued success of Alder Carr Farm is reliant on ensuring there is adequate customer parking. A key part of the local retail offer is the butchery, added in 2021. Essential to the butchery is a refrigerated function. Critical to the operation in the summer months is the cooling equipment. The additional car park, refrigerated store and cooling units will ensure the retention of an accessible local retail amenity/service, the public benefits of which are considered to outweigh the low level of heritage harm identified.
- 4.10. Overall the application is considered to proposed an acceptable standard of design and layout, and mitigation with respect to heritage assets, in accordance with the provisions of your plan policies LP19 and LP24.

5. Site Access, Parking and Highway Safety Considerations

- 5.1. JLP Policy LP29(1) requires all developments to demonstrate safe and suitable access. The existing St Mary's Road vehicle access arrangements would remain unchanged as a result of the proposed development and it is considered that access will be maintained for all users reliant on existing arrangements. There is no conflict with Policy LP29(1). There is also no conflict with
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NPPF paragraph 114 which provides that in assessing applications for development it should be ensured that a safe and suitable access to the site can be achieved for all users.

- 5.2. JLP Policy LP29(3) requires all development to be informed by the relevant parking guidance. The proposed on-site parking provision, as shown on the layout plan, is considered to comply with the requirements of current Suffolk Parking Guidance. It is not, therefore, considered that there is conflict with policy LP29(3).
- 5.3. It is noted that the Local Highway Authority (at Suffolk County Council) are satisfied with regards the current proposal, which in their opinion would not have a detrimental impact upon the highway. The LHA do not object to the application proposal, subject to compliance with suggested conditions.
- 5.4. Furthermore: It is considered that the applicant has demonstrated that delivery vehicles can load/unload from/to the refrigerated container without *significantly obstructing the shared right of way serving the neighbouring property at The Old Hall. *If there would be any obstruction at all it is considered that this would be very short term, during deliveries and the manoeuvring of delivery vehicles into parking spaces, which could quickly be remedied to enable access during these times.

6. Residential Amenity

- 6.1. JLP Policy LP24(2)(i) requires development proposals to protect the health and amenity of occupiers and surrounding uses by avoiding development that is overlooking, overbearing, results in a loss of daylight, and/or unacceptable levels of light pollution, noise, vibration, odour, emissions and dust.
 - 6.2. The application proposes to replace the existing condenser unit serving the refrigerated container with a new unit and relocate it to the western side of the container. The application is supported by an acoustic report (prepared by Sharpes Redmore dated 18 September 2023 Ref: 2321955) that assesses the revised condenser unit arrangement. The report is informed by an on-site noise survey undertaken during the daytime on 20 July 2023 and overnight into 21 July 2023. The report concludes that the revised arrangement would achieve a noise level below background for both day and night (current developments, that do not have the benefit of planning permission, excluded).
 - 6.3. On this basis, it is determined that the additional noise and disturbance generated by a combination of: car movements associated with the proposed car park (having also considered its location, to the north of the existing car park, away from residential properties); the proposed air conditioning units; and the proposed revised condenser unit arrangement, would not adversely affect the amenities of nearby neighbouring residential occupants, to the extent that refusal of planning permission should be considered, for these reasons. The current application proposal is, therefore, considered consistent with JLP Policy LP24(2)(i) in this respect.
 - 6.4. Overall the current proposal is not considered to result in significant harm to the amenities currently enjoyed by nearby residential properties, to the extent that refusal of the application on such grounds should be considered.
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7. Flood Risk and Surface Water Drainage

- 7.1. The proposal site lies within Environment Agency (EA) Flood Zones 2 and 3, wherein there is between a 1 in 1000 (0.1%) and 1 in 100 (1%), or a 1 in 100 (1%) or greater, respectively, annual probability of flooding.
- 7.2. The proposed development is, however, not considered to introduce significant impermeable operational development, and is considered to be sufficiently flood resilient and compatible, in such areas, without significantly increasing flood risk on the site and elsewhere, in accordance with the provisions of development plan policy LP27 and NPPF Paragraph 173.

8. Biodiversity and Protected Species

- 8.1. JLP Policy SP09(3) states that through biodiversity net gain, all development will be required to protect and enhance biodiversity ensuring the measures are resilient to climate change. JLP Policy LP16 requires development to conserve, restore and contribute to the enhancement of biodiversity including priority habitats and species.
- 8.2. The application includes a proposal for the planting of 63 metres of native hedging. It is considered that this would deliver biodiversity net gains sufficient to satisfy the requirements of plan policies SP09 and LP16.

9. Town/Parish Council Comments

- 9.1. It is considered that the concerns raised by Needham Market Town Council, in their formal response received, in respect of the amenities of a neighbouring property, have been addressed in the above report.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1. The application has been amended and additional information provided as it has progressed, principally in response to inputs provided by the Heritage Team and Environmental Protection. This has led to a number of mitigation measures being incorporated, including the screening of the existing car park with native hedging, screening of existing plant with weatherboard cladding and native hedging, and the relocation and upgrading of existing plant (condenser unit), the latter being informed by a specialist acoustic professional.
 - 10.2. The screening of the car park and plant is acceptable to the Heritage Team. Although there remains a very low level of less than substantial heritage harm, the identified harm is outweighed by the public benefits of retaining the local business which is considered to be a significant contributor to the local rural economy, and rural character and quality of the site and area.
 - 10.3. Your officers accept the conclusions of the supporting acoustic report and the recommendations of your Environmental Protection Officers and do not object to the application, on this basis of impact on residential amenity and the proposals are not considered to result in an impact on the amenities of nearby occupants, significant enough that refusal of planning permission, for these reasons, should be considered. It is acknowledged that there may be other developments on the site, that may require planning permission and that are not included in the current application.
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- 10.4. The proposal would introduce additional on-site parking and would not significantly impact the public highway. Third party comments received regarding pedestrian safety within the site and private driveway and manoeuvring areas are acknowledged, however in such locations it is considered that vehicle speeds would be sufficiently slow so as not to result in a significant safety issue with regards land users.
- 10.5. Flood risk would also not significantly be increased as a result of the proposal and the proposed development is considered to be sufficiently flood resilient.
- 10.6. Biodiversity enhancements would be delivered by way of the planting of an additional 63 metres of native species hedgerow on the site and such enhancements are considered to meet the provisions of your planning policies SP09 and LP16.
- 10.7. Planning conditions are essential to ensure that the proposed mitigation measures are secured, including their timetables for implementation. Subject to recommended conditions, the scheme of works is considered to accord with the development plan and the proposal is considered to represent sustainable development.
- 10.8. It is noted that there may be other developments on the site, referred to in representations made by third parties, that do not form part of the current application before you. Please note that your officers' assessment relates to the application proposal before you and does not include assessment of developments other than those currently proposed.

RECOMMENDATION

(1) 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 approved development);
 - Approved Plans and Documents (Plans and Documents submitted that form this application);
 - Condenser unit to be replaced and repositioned within 2 months following approval;
 - Noise validation checks of approved refrigeration plant, to be carried out by a suitably qualified individual, and to be submitted to the LPA for approval, within 1 month of reorientation or replacement;
 - Details of proposed screening and locations, including screening of the A/C units to be submitted to the LPA for approval within 3 months following approval;
 - Manufacturers details or appropriately scaled drawings, as appropriate, of the proposed cladding for the containers on site to be submitted to the LPA for approval within 3 months following approval;
 - Highways - Proposed Parking and Manoeuvring and safety measures to be provided as approved, within 3 months of approval, and thereafter retained in the approved form;
 - Detailed Landscaping Plan to be submitted to the LPA for approval within 3 months following approval;
 - Landscaping Aftercare - Approved Landscaping to be fully implemented in the first planning season following approval and to be retained and maintained for a minimum of 10 years from the date of implementation, to ensure establishment.
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