

From: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>

Sent: 25 Apr 2024 12:35:35

To:

Cc:

Subject: FW: IDOX-Public: Environmental Protection Comments - Re: DC/23/02158 ALDER CARR

Attachments:

From: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>

Sent: Thursday, April 25, 2024 12:34 PM

To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>

Cc: Gemma Walker <Gemma.Walker@baberghmidsuffolk.gov.uk>

Subject: IDOX-Public: Environmental Protection Comments - Re: DC/23/02158 ALDER CARR

From: Sue Lennard <Sue.Lennard@baberghmidsuffolk.gov.uk>

Sent: 25 April 2024 12:15

To: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>; Andy Rutson-Edwards <Andy.Rutson-Edwards@baberghmidsuffolk.gov.uk>

Cc: Sue Lennard <Sue.Lennard@baberghmidsuffolk.gov.uk>

Subject: RECONSULTATION DC2302158 ALDER CARR

Dear Sirs,

APPLICATION: DC/23/02158

OUR REFERENCE | 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 Creting St Mary Ipswich Suffolk IP6 8LX

We write with regard to the above application for which we have been consulted in respect of the acoustic assessment. Officers revisited the location this afternoon.

We would offer the following comment;

The kitchen extract system has been included within the measurements. We would consider this to form part of the existing background noise, see below for explanation;

Section 8.1 of BS4142 states that;

Since the intention is to determine a background sound level in the absence of the specific sound that is under consideration, it is necessary to understand that the background sound level can in some circumstances legitimately include industrial and/or commercial sounds that are present as separate to the specific sound.

It remains our understanding that the applicant has chosen to replace the existing plant serving the refrigerated container with new plant which will operate at a much lower level. The noise level is stated as 33 dB (A) at 10 metres. This should be combined with reorientation of the container to place the new refrigeration plant on the other side of the container facing away from the nearest noise sensitive dwelling. There is further reduction to the boundary of the nearest noise sensitive dwelling. To ensure however that noise levels from the unit do not exceed the background noise levels within the report, we have requested a validation certificate to confirm this is the case as follows;

CONDITION

Within 1 month of works undertaken to replace the chiller unit as specified in **Section 4.7** of the *Sharps Redmore Acoustic Report* (dated **18th September 2023 Project No: 2321955**), noise validation checks shall be undertaken by a suitably qualified individual

in acoustics which demonstrates that the refrigeration plant, operating at full capacity, does not exceed the background noise levels as stated within the aforementioned report, at the boundary of the nearest noise sensitive dwelling,.

Should the measurements determine that the levels exceed the background level as stated within the report, a further scheme of noise mitigation shall be submitted to and agreed in writing by the LPA and implemented within 28 days.

Planning services will need to consider any existing planning conditions relating to operations at Alder Carr which we understand were most recently imposed in 1999 following an application (0034/99) for the kitchen area as follows;

4. The noise level emitted from the site shall not exceed 49 dB(A) between the times of 08.00 hours to 23.00 hours, measured as a 5 minute Leq at the boundary of the site adjoining Gooserye Farm.

Regards

Sue Lennard
Senior Environmental Protection Officer
Public Protection

Please note I am a part time officer working each Monday Tuesday and Wednesday each week.

Babergh and Mid Suffolk District Councils – Working Together

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Planning Application DC/23/02158

Comments by the Owners of the Grade II Listed The Old Hall on Comments by the Heritage Consultee Dated 23 April 2024 and the Environmental Health Consultee Dated 25 April 2024

This document supersedes the earlier version uploaded to the planning portal on 29th April 2024 with portal reference 8542402. The changes are limited to the insertion of new paragraphs 10 to 13, 22 and consequential changes to some paragraph numbers. The new paragraphs are in blue font for ease of identification. There are no other changes from the original document.

This document provides comments and clarifications from the owners of the Grade II listed The Old Hall on the Heritage Consultee Comments dated 23rd April 2024 and the Environmental Health Consultee Comments dated 25th April 2024. Both documents were uploaded to the planning portal on their respective dates.

It is our view that both the Heritage and the Environmental Health functions are misapplying practice guidance in relation to key aspects of their assessments.

Comments and Clarifications on the Heritage Consultee Response of 23/04/2024

1. In section 5, after listing the dates of previous heritage consultee comments in the first paragraph, the second paragraph states *"It is worth noting that the owners of The Old Hall have supplied more information, particularly with relation to the siting of up to seven containers"*. In fact the information on the number and location of the seven shipping containers was provided to the planning and heritage teams in a document on 30th June 2023. Our document has the title "Input to the Assessment of Cumulative Harm to the Amenity and Setting of Grade II Listed The Old Hall by Past and Proposed Change (Retention of)" and was uploaded by the LPA to the planning portal on the same date with reference 8316687. In any case it seems reasonable to assume that the heritage officer visited the site in order to carry out the initial assessment of Heritage Impacts dated 30th June 2023 and we suggest that the shipping containers are difficult not to notice particularly as one of them is situated less than 1 metre and the other less than 5 metres of the Grade II Listed Dovecote (see photographs on page 9 of this document). A further container is directly in front as a visitor approaches or enters Alder Carr Farm's main car park.
2. In section 5 third paragraph, the Heritage Officer states *"...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'. I now concur with this point, ..."*. Although unlikely curtilage listed, it is important to note that the Heritage Impact Statement by Brighter Planning Consultancy (planning portal reference 8346602) states that *"Given the clear historic association of the barns with The Old Hall and the fact the former farm outbuildings are C19 in date and have heritage interest in their own right it is considered that they should be taken to be non-designated heritage assets"*. Furthermore, the Impact Statement identifies a *"close physical relationship between the former outbuildings and the farmhouse"*, a *"close inter-relationship between the farm outbuildings and The Old Hall indicating the past functional links between the two sites"* and a *"strong visual relationship given the proximity of the buildings"*.
3. In section 5 fourth paragraph, in referring to the setting of The Old Hall, the document states *"The barn complex forms part of this wider setting, and is considered to contribute positively to the historic farmstead group, as does the undeveloped landscape surroundings"*. In our view, the barn complex is a

considerably important part of the farmstead and therefore the setting of The Old Hall and the Dovecote. Whilst the barn complex as-was contributed positively to the farmstead group, the more recent and unapproved/unlawful developments contribute negatively to the significance of the individual heritage assets as well as the farmstead group.

The Brighter Planning Consultancy's Heritage Impact Statement under "*Changes to the built surroundings/land use*" states "*The ancillary functions and equipment relating to the use of the farm outbuildings are now extended outside of the original barn courtyard. This is now adversely impacting on the setting to the barns, the post mill buck and The Old Hall.*" (para. 8.2).

Further, under "*Competition with the Asset*" the HIA states "*The location of vehicles and plant which is held to constitute visual clutter to the surroundings of the barns and Listed post mill are assessed as detracting from the setting of the former farmstead buildings by virtue of the visual clutter now formed around the originally simple form of the farmyard buildings. The proposals need to be considered in terms of the incremental harm resulting when combined with other lawful and unlawful structures on the site.*" (para, 8.2 of HIA).

4. The second part of the same section 5 fourth paragraph states "*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*". The development and cumulative change for example creating multiple car parks, siting of shipping containers and cooler units that is visible in the public's views of the two Grade II Listed heritage assets from public footpaths and private views from The Old Hall is causing a negative impact on the rural and undeveloped nature of the surrounding landscape/historic environment. The-Brighter Planning Consultancy's Heritage Impact Statement highlights the impacts on the rural and undeveloped setting in a number of sections.
5. At paragraph 5 of section 5, the heritage officer states "*The application is for the siting of one of the seven shipping containers at the site, and whilst I appreciate the frustrations that the application does not cover all of these, I am only able to assess the proposal as it is*". We consider this to be an error of process and approach in the LPA and contrary to the UK government's advice on the implementation of the NPPF as contained in the Planning Practice Guidance at paragraph 013 Reference ID 18a-013-20190723 which states as follows:

"When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation"

The same guidance appears in Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets" at Part 1: Settings and Views, page 2, final paragraph.

We note that the guidance makes no mention of the scope of planning applications, instead focusing on the impact of cumulative change to the asset or assets from developments i.e. the as-is state causing harm to heritage assets with reference to all developments irrespective of whether within or outside the proposal (planning application) under consideration. Given the heritage officer's statement at the top of this paragraph 5, we would suggest that the present scenario is one that justifies the assessment of cumulative harm and that the PPG enables the heritage function of the LPA to make the cumulative assessment of all the harms being caused to The Old Hall and The Dovecote and their setting by developments that have been carried out but that are not part of the planning application under consideration.

6. At paragraph 6 of section 5 the heritage officer states *“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”*. This cannot be the case given that the development includes extensive car parking, seven shipping containers including with refrigeration units, cooler units in prominent locations, commercial restaurant kitchen operating on the edge of the listed asset’s curtilage boundary with doors and windows open and a loud commercial extractor operating towards the asset all day as well as various other ad-hoc developments of a similar nature. As stated in the above paragraph 1, one shipping container is placed within 1m of the listed dovecote and another within 5m. A refrigerated shipping container is sited upon The Old Hall’s approach and is visible from its garden and half way down its drive. See photographs on page 8.
7. The heritage officer ultimately states *“Regarding the level of harm that I 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”*. This is a surprising statement given the photographic evidence that has already been submitted to the LPA and the heritage team in our various documents to date. The photographs within our previously submitted documents (e.g. document dated 5th June 2023 , planning portal reference 8296697) show that the refrigerated shipping container, the cooler units and the car parks are visible the full length of the pavement starting at Jacks Green to the drive entrance at Alder Carr Farm/The Old Hall. The Old Hall, Dovecote, car parks, refrigerated shipping container, and the cooler units as well as other development clutter are all in the public views from the ACF drive entrance southwards along the full length of the public footpath up to the High Bridge footbridge and then eastwards along the length of the Gipping Valley Public Footpath just prior to reaching N-S line of The Old Hall.
8. In relation to the Dovecote, the heritage officer states *“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, to be considered harmful to its significance”*. The Dovecote was moved to a location at the rear of farmstead buildings before the 1880s and then about 100 metres to its current location in 1996. Therefore its wider setting has remained the same since before 1880. The farmhouse, barn and dovecote were listed together in 1955, the farmhouse then known as Houghton Park Farm and now known as The Old Hall. Therefore, the Dovecote’s present setting is relevant and contributes to its significance within the farmstead group. It is positioned relatively close to the car parks, cooler units and the refrigerated shipping container such that all three are in view at the same time and experienced together around significant part of the farmstead.
9. In addition to our comments above on the heritage comments dated 23rd April 2024, we offer further relevant comments in the following paragraphs 10 to 20. In the context of these paragraphs, it should be recognised that in assessing the level of harm, the heritage officer’s assessment focuses primarily on the views towards the farmstead whereas the views outwards from The Old Hall, its gardens and the entirety of its curtilage should be considered at least as important. Historic England’s Good Practice Advice Note 3 *“The Setting of Heritage Assets”* refers. From the viewpoint of The Old Hall, the outward views could be considered to be more important as they determine how the asset is experienced at close distance and how its future economic viability may be affected.
10. The heritage officer has not recognised a development that is a consequence of the refrigerated shipping container’s placement as highlighted in the next paragraph 11. Two key activities that are a consequence of the shipping container’s placement and the highlighted development are also not recognised and are summarised in paragraphs 12 and 13. These were highlighted in our previous document submissions to the planning and heritage teams. They negatively impact the character and therefore the significance of The Old Hall.

11. In order to utilise the refrigerated shipping container for meat storage (chiller) for the butchery, a new doorway has been constructed in the wall of the C19 single storey barn opposite. As already stated in paragraph 2 above, this barn is considered a Non-designated Heritage Asset and its character has been negatively impacted. Detail follows in paragraph 14 below.
12. The doorway described in paragraph 11 is used by butchery staff and others to carry meat products between the refrigerated shipping container and the butchery across The Old Hall's curtilage and its only access. This negatively impacts how The Old Hall is experienced by its residents and visitors.
13. On a daily basis, the butchery floor is washed and the contaminated water brushed out onto The Old Hall's access/curtilage. This is a potential health hazard being contaminated water and residents/visitors of The Old Hall have to walk through it. It is also a safety hazard due to the water freezing during cold periods, often overnight, and the ice sometimes remains on the surface of the access for days. This therefore also negatively impacts the way in which The Old Hall is experienced by its residents and visitors.
14. The refrigerated shipping container is positioned on the edge of The Old Hall's curtilage¹. It therefore effectively becomes the new curtilage boundary feature in this location and is visible from The Old Hall's garden. The single story C19 barn opposite the container represents the other boundary of The Old Hall's curtilage. A doorway has been installed in the curtilage boundary wall of this building opposite the shipping container without planning consent. This door opens into the curtilage of The Old Hall. The three cooler units mounted on the wall of this C19 barn also sit within the curtilage of The Old Hall which is The Old Hall's only means of pedestrian and vehicular access to/from the public highway. Therefore visitors and residents of The Old Hall have to pass within a few feet of the refrigerated container and the cooler units thus experiencing their visual, aural and airflow presence and impacts at close proximity of only a few feet as they approach or leave The Old Hall.

Furthermore, the three cooler units have been sited on and have the effect of narrowing The Old Halls relatively narrow express right of way. The Old Hall is a DEFRA registered agricultural holding and has land at its rear, which has been used for growing crops, grazing horses and sheep and the right of way is "for all purposes". These aspects highlighted in this paragraph 14 represent a higher level of harm to The Old Hall than those the focus of the heritage officer's comments.

15. The developments at Alder Carr Farm whose heritage and amenity impacts should be considered as part of a cumulative assessment of harm include extensive car parking, windows and doorways installed in the curtilage boundary walls opening into The Old Hall's curtilage/right of way, AC cooler units on the curtilage boundary wall which sit within the curtilage/right of way, the refrigerated shipping container that now forms The Old Hall's curtilage boundary in this high-impact location, proposed lorry loading/unloading bay, lorry reversing route on The Old Halls right of way, a bicycle shed in its current/unsafe location adjacent to The Old Hall' curtilage, proposed new signage to warn of reversing lorries close to The Old Hall, daily reversing of commercial vehicles visiting the restaurant kitchen along The Old Hall's curtilage which is used by ourselves, visitors to The Old Hall and the public on foot and in vehicles, as well as the other six shipping containers sited within the setting of the heritage assets. Also, the harm being caused due to the purpose for which some of the barns are being used and the manner in which they are being allowed to be used e.g. commercial restaurant kitchen adjacent to the front garden of The Old Hall being allowed to operate all day with the doors open, loud music playing and

¹ The Old Hall's curtilage is as per our document with planning portal reference 8293892 and date 2nd June 2023.

conversations taking place as well as a loud extraction system. These lead to all-day excessive noise and odours in The Old Hall's garden which was previously enjoyable, rural and peaceful.

16. The applicant's proposed mitigation is to a) clad part of the refrigerated shipping container, b) plant a hedge to screen the refrigerated shipping container and the proposed lorry loading/unloading bay from the public footpaths and the ACF drive and c) install a 1mx1.6m weatherboard screen to block the view of the cooler units. Taking each of these in turn:

Whilst the proposed cladding of the white refrigerated shipping container may provide a measure of "coverage" from a distance, it is highly likely that even from a distance the fact that the installation is a shipping container will be obvious. Residents and visitors to The Old Hall will be in no doubt that the installation is a shipping container, visible from The Old Hall's garden as well as from a distance of a few feet along the only pedestrian/vehicular access to this heritage asset. Also, the door side of the white container is proposed to be left uncladded. In summary, from the perspective of how The Old Hall is experienced by its residents and visitors, the experience will be that of a white refrigerated shipping container installed on its access near the garden.

The proposed hedge to screen the shipping container from the public footpaths will take some years to grow to the height that it provides an effective screen but again will not mitigate harm to The Old Hall as experienced by its residents and visitors. It will lead to insufficient space in the proposed lorry loading/unloading bay. When fully grown it will hide a long low red brick C19 barn with black painted window frames, a non-designated heritage asset, which links The Old Hall and the Dovecot. This the west elevation provides key views of the farmstead from public footpaths, from High Bridge footbridge and St Mary's Road Bridge over the River Gipping. The hedging will thus detract from the farmstead's significance.

The proposed weatherboard alongside the cooler units would protrude into The Old Hall's right of way narrowing it further. Once again whilst it will screen the cooler units to an extent for the benefit of ACF's customers, the cooler units will be fully visible and the experience of them as described in paragraph 14 above by the residents and visitors to The Old Hall will remain unchanged.

In summary, none of the proposed mitigations will lessen the harm caused by the refrigerated shipping container, the cooler units and the associated vehicle loading/unloading and manoeuvring proposal to The Old Hall as experienced by its residents and visitors. The proposed mitigation will make matters worse by further narrowing The Old Hall's express right of way which provides its only means of access to/from the public highway.

17. In relation to noise, the heritage officer continues to defer to Environmental Health and states *"Environmental Health suggest that adopting these measures would overcome their concerns. As such, I consider that should these mitigation steps be adopted, the harm arising from the noise of the chiller to the significant of the Old Hall would be negligible"*. This ignores the fact that Environmental Health appear only to be concerned with ensuring that there is no incremental noise reaching the residential curtilage of The Old Hall that is greater than the existing noise levels. They have not therefore taken note of the noise within the access curtilage of The Old Hall. From a heritage asset significance perspective the noise in the access curtilage is also important as the residents and visitors of The Old Hall experience this noise whenever they approach or leave the property. This therefore impacts the heritage asset's significance even though it does not fall within the remit of Environmental Health. It follows therefore that the impacts of the noise from the shipping container and the AC coolers on the significance of The Old Hall should be considered as part of the heritage assessment separately from and in addition to considerations by Environmental Health.

18. Referring to local planning authorities, the UK government's Planning Practice Guidance (PPG) states at Paragraph 013 Reference ID 18a-013-20190723 *"They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation"*. This applies as much to residential property as commercial. It is a recognised fact that property owners will invest in conservation of their properties sums that reflect the market value of the property which in turn correlates well with the property's significance. Therefore, harming the significance of a residential heritage asset carries the danger that the desirability factor associated with its significance is reduced or in the extreme lost. It is not inconceivable that many of the unoccupied and boarded-up "at risk" listed, former residential properties, are in this state as a result of their significance and therefore desirability having been eroded. As custodians of The Old Hall, we petition the heritage and planning functions of the LA to not allow the significance of The Old Hall and The Dovecote to be eroded when simple and low-cost viable alternatives to the proposed developments are available. As stated in our previous documents submitted to the planning and heritage teams, ACF do not have to locate the shipping container and the cooler units in their current locations – there are perfectly viable alternative locations on the site which would allow them to achieve their business objectives without causing harm to the heritage assets. It appears the heritage function has not explored these alternatives with the applicants and simply accepted their position that there are no alternatives.
19. In summary, we continue to be of the view that for the reasons given in paragraphs 1 to 18 above, as well as our previous inputs on the matter, the heritage consultee's assessment of the level of harm caused by the proposed developments (retention of) to The Old Hall is unquestionably too low. This is corroborated by Brighter Planning Consultancy's assessment that the level of harm is moderate to high within the less than substantial category.
20. A few relevant photographs are included herewith on pages 8 to 11.

[Comments on the Environmental Health Consultee Comment of 25/04/2024](#)

21. In our report to Planning Enforcement, two noise sources were complained of. Firstly the noise from a refrigerated shipping container placed near the entrance and alongside the access to our property close to our garden. This is the shipping container that became operational during March/April 2020 and is proposed to be retained through the current planning application. Secondly, changes to the extraction fan of the restaurant kitchen adjacent to our front garden such that the noise levels in our garden materially increased during May 2022. The noise from the extraction fan is such that it fills the whole of our front garden well above the levels of background noise. Whilst the retrospective planning application has been raised for the refrigerated shipping container due to it being declared a breach of planning controls, the same is not the case for the kitchen extraction system because it has not yet been investigated by Planning Enforcement.

As confirmed by the Environmental Health Consultee, the noise measurement report produced by Sharps Redmore for the applicant has considered the noise from the ACF commercial kitchen, which includes loud conversations, music and the loud extractor fan, to be part of the background noise.

The Environmental Health Consultee has provided the following clause from BS 4142 to justify this approach.

Section 8.1 of BS4142 states that;

Since the intention is to determine a background sound level in the absence of the specific sound that is under consideration, it is necessary to understand that the background sound level can in some circumstances legitimately include industrial and/or commercial sounds that are present as separate to the specific sound.

The relevant part of clause 8.1 has been underlined by us and specifically states “*can in some circumstances legitimately include*”. i.e. cannot in many other circumstances legitimately include. The present circumstance or scenario falls not in the former but the latter category. An Experts Working Group of the Association of Acoustic Consultants, which is the professional body representing and setting guidance for acoustics professionals, has produced a Technical Note² which provides detailed guidance on applying BS 4142 to real world scenarios. In relation to clause 8.1, in the section titled “Assessment of Impacts”, at page 40, it says the following:

To undertake the numerical analysis, it is necessary to understand what sources comprise the background sound, residual sound, and ambient sound. This speaks to the fundamental principles of BS 4142, insofar as it covers three specific conditions, as described in Subclause 1.2:

1. *investigating complaints;*
2. *assessing sound from existing, proposed, new or modified industrial sound sources; or*
3. *assessing sound at proposed new dwellings.*

Specific and Background Sound Levels

For scenarios (1) and (2), it should be reasonably straight-forward to ascribe the various sound sources to the appropriate BS 4142: 2014 description, i.e.:

1. *the sound source being complained about is the specific sound source, everything else is the background/residual;*
2. *the proposed, new or modified industrial source is the specific sound source, and everything else is the background/residual*

We have underlined the relevant parts of the guidance. In short, for assessing complaints, the specific sound source is the sound complained of and everything else is the background noise.

Therefore, the kitchen noise should have been considered to be part of the specific noise source i.e. the total noise measurement should have included the shipping container, the kitchen noise and the background noise. The background noise measurement should then have been taken with the shipping container and all the kitchen noises switched off/muted.

The approach that Sharps Redmore have been allowed to apply has delivered abnormally and artificially high values for the background noise level. This creates a perverse situation in that an applicant could secure Environmental Health and planning approval for any level of noise following a complaint by installing another noise source not part of the planning application whose level equals or exceeds the source the subject of the complaint and planning application. This is contrary to logic and rationality i.e. is perverse.

22. We also request that Environmental Health consider the implications of the contents of paragraphs 12 and 13 above as part of their consultee considerations as well as the fact that the kitchen extraction system directs noise and odours towards The Old Hall which is contrary to good design.

² <https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2020/07/ANC-BS-4142-Guide-March-2020.pdf>

Figure 1 View of the refrigerated shipping container from the drive and garden of The Old Hall



Figure 2 – Photographs of two shipping containers next to the Listed Dovecote



Figure 3: Change of views of the C19 barn between 1964 and 2024 due to the shipping container, cooler units and bicycle shed



Photograph taken from the public footpath of The Old Hall on the right, Dovecote on the left and the C19 century barn in the middle

Figure 4: Views showing how the boundary of The Old Hall's curtilage has been changed by the installation of the refrigerated shipping container and cooler units



1997 View of access curtilage from The Old Hall



2022



1997



2022

View of access curtilage on approach to The Old

[REDACTED]

to Helen, Alex, BMSDC, heritage, Susan

Dear Alex and colleagues

Please find attached an updated version of the document we sent yesterday which was uploaded to the planning portal as requested. We would be grateful if that document could be marked as superseded and this updated version uploaded to the portal.

We note that this application has been scheduled to be taken to the planning committee on the 8th May 2024. Our attached document and the earlier version highlight that by failing to consider cumulative harm caused to the heritage assets, including those resulting from developments not within the present application, the heritage function in our view is failing to follow best practice guidance as contained in the PPG and Historic England's "Good Practice Advice" Technical Note 3. Similarly in our view the Environmental Health function's application of BS 4142 Clause 8.1 is incorrect and inconsistent with guidance from the Association of Acoustics Experts Working Group on the application of BS 4142.

You may be aware that we raised a formal complaint under the council's complaints process in relation to these aspects. This is in the process of being raised to a Stage 2 Complaint. Under the circumstances, we ask that determination of the application is deferred until the complaints process cycle has completed in the spirit of doing the right things right in relation to our national heritage. As this is a retrospective planning application, with the developments having been in place for upto nearly 4 years, deferring will not materially impact the applicant.

We also ask that a copy of this message is uploaded to the planning portal so that it becomes part of the visible record of inputs in relation to the application.

Thank you for your consideration.

Kind regards,
Owners of impacted Listed property The Old Hall.