



Planning Application DC/18/00856 - New Street Farm

Response to Representations

- 1.0 This response is provided on behalf of the applicants, Mr and Mrs Willemsen, in relation to the representations made on this proposal.
- 1.1 It is intended to ensure that the concerns of the Parish Council and local residents are responded to and to ensure the Planning Committee are aware of the facts of this case ahead of their meeting on 30th May 2018.

The Parish Council

- 2.0 The Parish Council comments are brief, recommending refusal on the following grounds.
- Doesn't comply with CS15 sustainable development in BDC
 - NPPF 116 detrimental effect on the environment, landscape and recreational opportunity
 - NPPF 125 light pollution
 - NPPF 132 effect on heritage

- 2.1 The following response is made to each of these points.

"Doesn't comply with CS15 sustainable development in BDC"

- 2.2 Policy CS15 is a generic sustainability policy and contains 19 separate criteria. The Parish Council comments offer no details as to which of these criteria it considers are

not met. The comment is so vague as to be of little use to the applicant or the local planning authority. For example, are the Parish Council concerned that the proposal will affect air quality? Or that the proposal would not minimise the waste generated by construction? Both of these form criteria within CS15 and it is completely unclear as to what the Parish Council consider to be unacceptable from the CS15 viewpoint.

“NPPF 116 detrimental effect on the environment, landscape and recreational opportunity”

- 2.3 Paragraph 116 of the NPPF relates to major development in National Parks, the Broads and Areas of Outstanding Natural Beauty. The proposed development is not in any of these areas, and that element of the Parish Council’s comments should be disregarded as it clearly does not relate to this proposal at all.

“NPPF 125 light pollution”

- 2.4 It is unclear whether this relates to light pollution generally or to particular aspects of the proposal. However, the applicants have no intention of providing unnecessary lighting and will invest in lighting that minimises spill but gives good ground coverage to external areas, and will ensure subtle lighting and light containing glazing is used within the building itself (along with blinds). It is not in the applicant’s interests to make the site overly lit, as this would reduce the benefit of the venue being in a countryside location. As such, the applicants are expecting that a condition be imposed if permission is granted to require specific lighting details and design to be provided.

“NPPF 132 effect on heritage”

- 2.5 Again, this is a vague statement pointing to a part of the NPPF. Paragraph 132 of the NPPF sets out that great weight needs to be given to the conservation of heritage assets and that significance can be harmed through alteration. The Parish Council do not explain what their concerns are such that it is unclear whether they consider that the use is unacceptable, whether the alterations are inappropriate, how the building is harmed, why they disagree with the detailed heritage position set out in the application documents, why they would rather (presumably) see the building mothballed than put to a viable use such as this etc.

- 2.6 It should be noted, however, that the Council's heritage team have not objected to the proposal.

Representations/Objections

- 3.0 The Committee Report identifies that a total of 64 households objected to the proposal and 19 letters of support were received. The amount of support is not reflective of the amount of support that exists, with a number of residents having reported being 'faced-up' on their doorstep and being advised of a risk of being 'exiled from the community' if they did not object. Indeed, many of the local businesses who would benefit from the proposal and wish to support it have expressed their concern at the potential loss of trade from objectors if they do so. The applicants are, however, pleased to see that there are a number of letters of support for the proposal in any event.

- 3.1 The basis of the objections is set out in the Committee Report under a set of bullet points and these are used to respond to comments made under these headings;

Negative effects on wildlife, environment, light pollution, air pollution, noise pollution, quality of life, traffic, pedestrian safety particularly on New Street, Plum Street and Shepherds Lane known locally as the 'Horseshoe'

- 3.2 It is noted that there are further requirements in respect of wildlife and these can be addressed. A bat loft is proposed in the single-storey range building to accommodate bats in the proposal, and the applicants are not adverse to encouraging habitat in the immediate surroundings of the building but outside the areas where there will be regular footfall. There is adequate land to provide enhanced ecological mitigation which, with proper management, could actually enhance the habitat for wildlife.
- 3.3 With regards to traffic and pedestrians, the applicants would draw attention to the absence of any objection from the Local Highway Authority. The provision of passing places would help mitigate the existing problem of vehicles passing on New Street. There would be no impacts on highway safety for pedestrians along Plum Street or Shepherds Lane, as traffic would not be directed in that direction at all. Further tourism signage and passing places can, however, be considered if necessary.
- 3.4 The matter of noise pollution is considered later in this response.

- 3.5 It is anticipated that, if permission is forthcoming, a detailed lighting scheme would be required by a condition which would give the Council complete control over the lighting at the site.

Construction machinery noise

- 3.6 The wider site is still partly in use as a working farm where large vehicle movements, bird scaring, machinery operation and repairs would be undertaken as a matter of course.
- 3.7 Furthermore, the applicants anticipate that a construction and waste management plan would be required by condition which would give the Council control over the activities carried out during construction.
- 3.8 The applicants would raise no objection to the proposal being carried out in accordance with the principles of the Considerate Constructors Scheme.

Waste and grey water impacts

- 3.9 The proposal would be required to provide appropriate drainage and sewage arrangements, in line with Building Regulation requirements and with appropriate licenses where required. The proposal will simply not be able to function without well-engineered drainage solutions being provided. For example, a wedding venue that gives rise to poor sewage disposal is likely to be unsuccessful and is unlikely to attract repeat users or new customers where poor reviews are left due to smells being noticeable.

Noise effects from fireworks

- 3.10 The committee report includes a recommended condition that no fireworks are permitted at the site, and this is acceptable to the applicants. This objection is, therefore, no longer valid.

Negligible impact on local economy

- 3.11 The comments made in this regard are not evidenced through discussion with businesses connected with existing wedding venues, nor is it consistent with the

position set out by a supporter of the proposal who lives close to an existing venue in Castle Hedingham, who draws attention to the significant benefits and job creation that venue has created.

- 3.12 The objectors comments also ignore the thrust of national policy to promote the rural economy, fail to recognise that the Babergh Core Strategy promotes a jobs lead approach to growth and that Planning Inspectors who have allowed previously refused wedding venues have recognised (and I quote);

“Although there is no requirement to demonstrate a need for the development in planning terms, I note that both the Council’s Regeneration Team and the County Council support the proposal and there would clearly be local economic benefits in bringing people to the area that might use local services and facilities and through the venue’s potential use of local suppliers”.

“My view is that the re-use of the existing buildings and those areas of the site that would be redeveloped and are also currently vacant can be considered to be essential for the local economy as their continued vacancy represents a wasted resource”.

The application is also supported by the Council’s Economic Development Team, who recognise the economic benefits associated with the proposal. These objections are, therefore, misinformed, unfounded and not based on evidence.

No information of what ‘Events’ are planned

- 3.13 The applicants consider that this demonstrates a misunderstanding of what is proposed here. The proposal seeks permission for a new wedding and events business to be created here. It is a new business, not the relocation of an existing business, therefore it would be highly inappropriate for the applicants to be taking bookings for events without the planning permission being granted or work being undertaken to get the building ready.
- 3.14 However, to assist with clarifying the proposed uses, these could be best categorised as conferences, training events, art/craft shows, weddings, community classes, specialist courses and team building space.

Access roads are not compliant with Fire and Rescue Service width requirements for
“Buildings other than Dwelling Houses”

- 3.15 It is unclear on what basis it is considered that these roads do not comply. The roads regularly accommodate large farm vehicles right up to the building and there is little doubt that a fire appliance could reach the site in the event of a fire

Out of character with the local area

- 3.16 The proposal makes use of an existing barn, removes some unsightly steel framed buildings and would bring about an enhancement in the character of the buildings and the surroundings generally. It is not clear how this would be out of character with the local area, other than it is making more effective and efficient use of an underused site in the countryside.

Contrary to section 123 of the National Planning Policy Framework - March 2012, The Noise Policy Statement for England (NPSE) and Protocol 1-Articles 1 & 8 of the Human Rights Act

- 3.17 Please see later response (below) with regards to the Human Rights Act.
- 3.18 Whilst it is clear that the objectors are relying on paragraph 123 on the basis that they see this as precluding any noise generating use, that is not the case. Para 123 includes provision to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions and, importantly, recognises that development will often create some noise and that businesses which want to develop should not have unreasonable restrictions put on them.
- 3.19 The applicants are well aware of the concerns as to potential noise from this development and would draw attention to one of the letters of support which states;

*“I live within a mile of our nearest wedding venue in Castle Hedingham.
We are not troubled or disturbed by noise from the Castle.*

The advantage of this application is that it will be a new build, thus allowing for the latest sound proofing materials to be incorporated in it's construction which will

eliminate or reduce the suggested noise pollution to a more than acceptable level. Just like Glemsford, we are surrounded by wonderful local walks and quiet countryside. Neither are harmed by the Castle operating as a wedding venue, in fact the local community has benefited from the business.

Our local pubs, restaurants, b&b's, shops, hair salons, laundries, taxi companies to name but a few, have all benefitted, as well as both young and old local residents who have found regular part time work.

This additional financial injection has and continues to support the local community. This will be true for Glemsford in my opinion. Plus the venue will be contributing to the local authority's coffers in a greater way than it is presently.

I drove over to Glemsford to see the proposed venue for myself and having then reviewed the application I think it has been well thought out. The applicant seems very willing to amend drawings to take into account neighbours comments and concerns.

I thought the number of passing places should be increased and this can only add to the safety of local walkers, mobility scooter operators and mum's & dad's with young children and prams everyday not just when the venue is holding a reception. The applicant was totally open to this suggestion.

The venue will introduce people to the area in a positive way as it has done here, where property prices have increased. I certainly have not witnessed any increase in crime, as has been suggested in one objection to the application.

I support the application as it will improve the local area, it will make the Horseshoe a safer walk and benefit the lives and businesses within the local community"

- 3.20 This reasoned and evidenced response reflects the actual situation at an existing venue in similar circumstances, and the writer has taken the time to approach the applicant and discuss their thoughts. It is considered highly likely that the actual impacts of this development would not be anywhere near as harmful as is being advocated by the objectors, and this is also borne out by the residents living close to Smeetham Hall Barn, where access is along a similar road but with a higher number of existing dwellings along it.

Unenforceable noise mitigating measures

- 3.21 The question of the enforceability of noise mitigation measures is one which is easily addressed. Many other wedding venues have conditions imposed upon them, including the following which are all taken from recent appeal decisions (and thereby imposed by Planning Inspectors) relating to wedding venues;

“All doors to the proposed function room shall be fitted with automatic closers”.

“Prior to the commencement of development details of a noise mitigation strategy (outlining informative signage to guests and staff duties during noise sensitive hours) shall be submitted to and approved, in writing, by the Local Planning Authority. The approved strategy shall then be implemented at all times during late evening functions”.

“There shall be no amplified music outside of the function room (indicated as ‘Wedding Ceremony Room’ on the approved plans) at any time”.

“Prior to commencement of development a scheme of noise control measures shall be submitted to and approved in writing by the Local Planning Authority that details how the impact of noise from the restaurant, bar and wedding venue shall be suitably controlled. The scheme of measures shall thereafter be implemented in accordance with the details so approved and retained thereafter.

“No deliveries to the buildings on site shall take place outside the hours 0700 – 2300hrs”.

“The use of the wedding venue in accordance with this permission shall be restricted to the hours between 0800 and 0100 hours”.

- 3.22 There are a range of suitable and effective conditions which can be applied to this proposal should it be deemed necessary, and these are enforceable. The applicants raise no objection to suitably worded conditions being imposed.

Contrary to the provisions of the Human Rights Act

- 3.23 The extent to which the Human Rights Act is a material consideration in determining planning applications is a matter for the local authority to consider. However, the House

of Commons Paper dating from 2010 and entitled *“Human Rights and Planning”* concludes that *“Courts seem to feel that the whole process of planning decisions should not be overturned just because of the effects of particular decisions on householders who already have rights to make representations to a democratic body within the planning system”*. It goes on to identify that *“The Courts will require real evidence of interference where it is alleged, and not merely counsel’s assertions”*.

- 3.24 It is the applicants position that there is not Human Rights interference here that falls outside of the normal planning considerations of impacts on amenity and, therefore, this is not a material consideration that weighs against this development.

Sufficient wedding venues in Suffolk already

- 3.25 These comments seek to demonstrate that there is not a need for a wedding venue in this location. Notwithstanding that the proposal is not solely a wedding venue, the applicants have carried out extensive market research as to the demand for such facilities in this location and, being frank, are unlikely to invest in the infrastructure (including new access, car parking, passing places, tourism signs, drainage, landscaping etc) and the physical construction of the extensions and upgrade of the barn without some confidence that the business would be successful.
- 3.26 Whilst it is recognised that there are alternative venues locally and in wider parts of Suffolk, unless there is specific evidence of these venues failing or struggling to sustain themselves then this comment is unevidenced and is speculative. As detailed at paragraph 3.12, Inspectors have identified that there is not a requirement to demonstrate need in any event.

Loss of rural views

- 3.27 The impacts on the character of the area would be limited. In any event, the proposal will also accompany the removal of the existing mobile phone mast which significantly blights rural views currently. Even if it is considered that there is some impact on the landscape, this has to be balanced against the benefits of the scheme which, contrary to the views of objectors, are significant and comply with both national and local planning policy through the generation of employment and spend in the local economy.

Conclusion

- 4.0 The applicants have been shocked by the volume of negativity towards this proposal. They have previously sought permission to convert the barn to two dwellings and have twice been refused permission on heritage grounds. Having now overcome the heritage issues by finding a use that retains the open volume of the barn, they are now faced with local objections that has, at times, been made personal and, at others, been completely inappropriate (including the sending of offensive text messages relating to the applicants heritage).
- 4.1 However, the applicants recognise that there is always some concern when change is proposed and have taken some comfort in the level of support that also exists for the proposal, not just from those that have been prepared to write in support but also from those who have offered support for the scheme through directly approaching the applicants. In many of those latter cases, there is a genuine fear of verbalising that support due to the perceived repercussions due to the nature of the objectors who have approached them. This is not hearsay, I have witnessed this myself.
- 4.2 However, this is not about the volume of objection or support, but about the merits (or otherwise) of the proposal. Therefore, the applicants have asked me to provide a rounded and balanced appraisal of these points in this conclusion, as follows;
- 4.3 There is no doubt that the proposal would bring more traffic along New Street at periods where people are accessing and egressing the building. However, this would not be a regular thing throughout the day. It would likely be in contained periods as people access together and leave together in two blocks. As one of these may well be late in the evening, the risk to people walking the road at that time would be extremely limited. It is, however, a risk that is recognised.
- 4.4 Passing places are proposed to try and ease the existing problem along New Street. If more passing places would help with easing this issue then this can possibly be accommodated as there is plenty of verge to accommodate this.
- 4.5 The concerns of residents regarding noise is understood and the applicants wish to offer assurances that it is not their intention to create a venue that affects their amenity. The venue will be managed, the building will be fitted out with appropriate and well specified noise mitigation and insulation and literature setting out the expectations

upon guests will be provided and enforced. The Council can impose whatever conditions they require to control the noise levels at the site, and whilst the concerns regarding enforcement is understood, it will not be an issue as the applicant will be enforcing them in any event. It is not in their interests not to.

- 4.6 The proposal can include any biodiversity enhancements that are required, and the applicants are prepared to invest in the site and building to the extent that would bring about significant benefits to the local economy, create jobs (both directly and a significant number indirectly from employment of other companies on a sub-contracting basis for catering, cleaning etc). The building can be used by the community for all nature of events should they wish to book it for those purposes.
- 4.7 The applicants do not want to mothball this attractive and well constructed building, it simply is not in anyone's interests to do so. They have sought to use it for housing and been refused, and now face objections to the proposed use. It is not needed for its original use any longer, and would be unlikely to suit any other commercial use being of such a volume and requiring such investment to make it capable of use, that this really is the optimum viable use for the building. Perhaps naively, but perhaps not given the evidence they had that this would be well supported, the applicants had hoped that this would be seen as a benefit to the village and would be something the community would be proud of. They are disappointed, therefore, that there are a number of people who have objected so vociferously to the proposal but that the local planning authority have remained supportive of the proposal throughout.
- 4.8 The applicants are also aware that Glemsford has, in the past, been a thriving commercial village with silk mills, the horsehair factory and E W Downs providing significant employment for village residents. However, the economy of Glemsford has declined over many years and this proposal would bring about some economic benefit that would offset some of the lost employment opportunity that the village has seen. As the building has a history of being used for community purposes many years ago, including for regular barn dances, this proposal is not out of kilter with the historic use of the building.
- 4.9 It is hoped, therefore, that the Members of the Planning Committee will support this proposal and grant planning permission for this proposal.