

**BABERGH DISTRICT COUNCIL
PLANNING COMMITTEE**

30 May 2018

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA BUT BEFORE 12 NOON ON
THE WORKING DAY BEFORE THE MEETING AND ERRATA**

PAPER PL/18/1

<u>ITEM</u>	<u>REF. NO</u>	<u>REPRESENTATION FROM</u>	<u>SUMMARY/COMMENTS</u>	<u>CASE OFFICER</u>
1	DC/17/06318	Applicant	<p>Corrections: Para 4.11 – in the text substitute ‘paragraph 4.6’ for ‘paragraph 19’ Para 9.1 – in the text substitute ‘Capel St Mary’ for ‘Acton’</p> <p>A draft s106 legal agreement (as per recommendation) has been prepared by the applicant and forwarded to Legal Services.</p> <p>For information: The two reasons for refusing previous application B/16/01458 are given below for ease of reference only.</p> <p>1. The proposed development, including the erection of 150 dwellings, would be contrary to policies CS2 and CS11 of the Babergh Local Plan Core Strategy, which states that development will only be permitted in the countryside , in exceptional circumstances subject to a proven justifiable need and that the scale and location of the development will depend upon the local housing need and the capacity of existing physical and social infrastructure to meet forecast demands (CS2) and that for proposals within Core Villages the cumulative impact of development in the area in respect of social, physical and</p>	Gemma Pannell & Lynda Bacon

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1 continued	DC/17/06318		<p>environmental impacts have been addressed to the satisfaction of the local planning authority.</p> <p>The proposal has not adequately addressed the exceptional circumstances or the proven justifiable need for the development in this location contrary to policy CS2. Furthermore, the proposal would be contrary to policy CS11 having an unacceptable effect and cause harm to local health infrastructure, due to insufficient capacity with no prospect of expansion of the doctors surgery on existing site. In addition, increasing traffic movements along Little Tufts to the detriment of the locality, due to the impact on existing residents who currently live within a small cul-de-sac. The impact on the physical and social infrastructure of the village (schools, healthcare and increased traffic within the village core), which would not secure a good standard of amenity for existing and future occupants of land and buildings.</p> <p>2. The development would represent a significant development of Grade 2 agricultural land contrary to the principles of the NPPF paragraph 112, which states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, and that consideration should be given to use areas of poorer quality land in preference to that of a higher quality.</p>	
2	DC/17/06037	Peter Wells (Agent)	The application has been withdrawn. Members are asked to note this position.	Samantha Summers
3	DC/18/00856	BMSDC Environmental Health – Noise Memo dated 29/05/2018	<p>Thank you for consulting me on the above application to convert the barn to facilitate its use for weddings and functions.</p> <p>I note the noise assessment report by Oakridge Environmental Services (OES) dated 5 February 2018. The report considers the noise impacts from the proposed wedding venue on residential</p>	

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3 continued	DC/18/00856		<p>dwellings in New Street having regard to the National Planning Policy Framework (NPPF) and Noise Policy Statement for England (NPSE).</p> <p>The assessment comprises a background survey noise survey and the potential impact of entertainment noise (music) on a residential dwelling in New Street (closest noise sensitive neighbour).</p> <p>The report also makes assumptions about typical noise levels experienced at wedding venues for a disco or live band; typical sound reduction performance of the building and weak spots from windows and doors left open.</p> <p>The results demonstrate that with doors and or windows open to the eastern façade, music noise levels will be significantly above the background noise levels at the façade of the nearest residential receptor on New Street and would cause loss of amenity. With the same doors and windows closed OES considers any impacts before 23:00 hours will not be significant and after 23:00 hours noise impacts will be at a Lower Adverse Observable effect as described by the NPSE.</p> <p>It also recognises that standard window glazing is less effective at low frequencies and bass noise from music will be audible amongst normal background noise.</p> <p>Lastly the report makes recommendations for windows and doors to be kept closed during regulated entertainment and enhanced acoustic glazing. It also mentions additional control measures not essential to the planning regime such as a sound limiting device, noise management measures and consideration of air conditioning in the function room.</p>	

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3 continued	DC/18/00856		<p>Unfortunately, the report does not assess noise impacts on the dwelling next to the barn or explain the reasons why this is not relevant for the existing or any future occupier, for residential use. In addition, the report uses the house structure (façade) in New Street as the point of reference for the closest noise sensitive neighbour. This does not fully take account of outside amenity space (gardens) which may have much closer boundaries.</p> <p>I note the assumptions made in terms of the noise source (90 dB(A)) and the sound insulation of the building but I am unaware of any justification or certainty about these values. Music levels can vary and be difficult to control for both live and amplified music. A notional average value of 90 dB(A) is at the lower end of what can be expected for similar premises and sound reduction can vary between different parts of the barn structure. The roof of the barn is of specific concern as this is usually the weakest part of the building fabric in preventing noise breakout.</p> <p>During periods of warm weather, it is typical for venue of this nature to require additional ventilation for cooling and keeping the windows and doors shut (albeit to the function room) will accentuate this problem.</p> <p>I am also mindful of other tools and guides that have not been used in this assessment such as the Noise Council Code of Practice on Environmental Noise Control at Concerts (NCCP) and the Institute of Acoustics Good Practice Guide on the Control of Noise from Pubs and Clubs (IOA Guide).</p> <p>The code and guidance, although designed for large concerts at open air sites and indoor entertainment venues, does have some similarity with the use of the barn for weddings or functions which have entertainment. They also provide objective noise limits.</p>	

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3 continued	DC/18/00856		<p>I am, therefore not able to support the application and would recommend refusal.</p> <p>Reason: To prevent serious adverse noise impact on the health and quality of life on the neighbouring residential premises (the Farm House) and adverse noise impact on the neighbouring premises in New Street.</p> <p>Please note that the applicant's agent has recently been in contact and offered solutions to the future use of the neighbouring Farm House and detail consideration of sound attenuation for the building, including additional mechanical ventilation to the function room should the application be approved.</p> <p>Unfortunately, I have not been able to consider this and cannot advise you further at this point.</p> <p>Should, however, approval be granted for this development, to further safeguard neighbouring noise sensitive dwellings or premises I would recommend the following noise limit levels (based on the NCCP and IOA Guide) and other control mechanisms:</p> <ol style="list-style-type: none"> 1. The LAeqT of the music based entertainment noise shall not exceed the background noise LA90 (without entertainment noise) at the boundary of any neighbouring noise sensitive dwelling or premises. Time period T will be 15 minutes 2. The publicly accessible verge at (location to be agreed) may be used to verify compliance of condition 1 when entertainment noise is occurring. The music-based entertainment noise level, in any event, shall not exceed (to be agreed/calculated) dB LAeqT at this point. Time period T will be 15 minutes. 	

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3 continued	DC/18/00856	Ben Elvin (Agent) Received 29/05/2018	<p>3. The L10 of the music-based entertainment noise shall not exceed the representative back ground noise L90 (without entertainment noise) as measured 1 metre from the façade of any neighbouring noise sensitive dwelling or premises by more than 5 dB in each octave band centred on 63Hz and 125Hz in any 5-minute period.</p> <p>4. Prior to the use of the premises for any event involving amplified music a sound limiting devise must be fitted to a dedicated music and public-address system and set at a level approved by an authorised officer of the Local Planning Authority (typically Environmental Health Officer). The operation panel or control mechanism of the noise limiter shall be secured by an agreed method. Access thereafter shall be prohibited and only authorised by the owner or premises licence holder. Once set, the maximum operating internal music entertainment level shall be measured, documented and reported to the Local Planning Authority prior to the use of the premises.</p> <p>5. No fireworks shall be let off or shall any Chinese style lanterns be released in association with the use of the premises for any event.</p> <p>I trust this advice is of assistance.</p> <p>David Harrold MCIEH Senior Environmental Health Officer</p> <p>Response to Representations (see separate document)</p>	

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4	DC/17/06250	Alastair McCraw: Alton Ward Member	<p><u>AMENDED RECOMMENDATION ON PAGE 77 OF AGENDA</u></p> <p>Subject to the receipt of additional bat surveys and agreement of Suffolk Wildlife Trust and further noise assessment and agreement of Environmental Health, that the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission and that such permission be subject to the conditions as set out in the Agenda with additional Environmental Health conditions as specified above in David Harrold's Memo.</p> <p>Correction: Page 88 – first paragraph; last sentence – Change 'Dwellings on the <u>western</u> side of the A137...' to 'Dwellings on the <u>eastern</u> side...'</p> <p>The below statement has been received from the Ward Member – Alastair McCraw:</p> <p>"Good morning/afternoon members of the committee. My apologies for being unable to attend today, due to prior arrangements. I called this application in (Part One p82) because of my concerns about housing density along the Heath and the dangers of adding more access points onto this busy and sinuous A class road. There is an issue of ensuring consistency in our decision making and Part Two (p82-83) describes a related situation on the neighbouring plot to the south.</p>	Lynda Bacon

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4 continued	DC/17/06250		<p>As the report states in Part 3 (Assessment) (p87) the central issues here are Design and Impact on the street scene, Access & Highway safety and the Impacts on residential amenity, and environmental matters.</p> <p>The Heath on the A137 is as described at the top of Page 88. The western side contains mostly smaller closer spaced properties. These are also closer to the road. The Eastern side (not 'western' again as written) is characterised by larger separations with significant gardens and properties further from the road. Significantly, they have also been screened by hedgerows, giving a softer boundary. An increasing level of development on this eastern side has used garden space and removed hedges so that the street scene is being dramatically altered to reflect the western one.</p> <p>The applicant has made efforts to reduce the visual impact of this development by reducing the width of Plots 3 & 4 and by removing the garages between Plots 1 & 2. The block of building may be a little less monolithic and continuous in appearance for that reason. The question though arises. Is that enough? Given the angle of the line of buildings and the distance from the road, I don't think so. The gaps as seen from the road are still not in keeping with spacing elsewhere, even compared with the adjacent plot mentioned.</p> <p>This increased development is, incidentally, creating a 'canyon effect' with hard surfaces lining both sides, concentrating sound levels to the point where normal conversation is impossible along this busy main road. This impact on residential amenity should be given considerable weight.</p>	

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4 continued	DC/17/06250		<p>The first of the conditions of SCC Highways in their submission is that there be no obstruction above 0.6m within the required visibility splays. The current hedge, where the two additional access points will be, is above head height and will either be removed or much reduced exposing the block of building. This has both a visual and aural effect.</p> <p>I do have concerns regarding these access points. Notwithstanding SCC Highways comments, any significant addition to a busy main road must be worrying. People do speed. This is one of the few, almost, straight sections of The Heath, but leads into, or from, a series of dangerous corners.</p> <p>The applications for the adjacent site Homeleigh (Part 2 pages 82/83) illustrate my points. An application for three properties was refused at committee on the grounds of density and over development. Subsequently an application for two properties was approved under delegated authority, after all parties (Applicant, Architect, Parish Council, Highways, Local Member and Planning Officer) had met on site to discuss a way forward.</p> <p>The road frontage at Summercourt is only marginally larger than Homeleigh's, although the area is larger. I believe it's large enough for three properties, but not four. You can only deal with the application in front of you though. I ask that you give full consideration to refusing this application, not only for the reasons I have given, but because it would be consistent with a previous committee decision.</p> <p>The application in placing 4 properties in a space where one, heavily screened, property formerly stood does not, I believe, respect the local context, as per CS15. Nor does it seek to reinforce the local distinctiveness described in the NPPF or CR04. Further this is a level of overdevelopment to the detriment of the</p>	

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4 continued	DC/17/06250	Natural England	<p>character of the locality which is out of keeping with adjacent or nearby dwellings and therefore does not comply with Policy HS28. I also question whether it fits CN01 as being an appropriate scale for the location. These policies should receive greater weight than the report suggests.</p> <p>I also consider that Para 14 of the NPPF considerations (on 5 year Land supply) should be given less weight in this instance than Para 61 & two Core principles in the NPPF; of reinforcing local distinctiveness and refusing a design that fails to take an opportunity to improve the character and quality of an area (Page 87). I cannot see any attempt to improve or make a positive contribution!</p> <p>With all these considerations a refusal of permission is both justified and fully defensible.</p> <p>Thank you, Alastair McCraw. Alton Ward, BDC.”</p> <p>Consultation response: received 24 May states:</p> <p>This development falls within the 13 km ‘zone of influence’ for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that new housing development in this area is ‘likely to have a significant effect’ upon the interest features of the aforementioned designated site(s), when considered in combination, through increased recreational pressure. As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development to enable you to reach a conclusion of “no likely significant effect”</p>	

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4 continued	DC/17/06250	Applicant	<p>whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMs is adequately funded. We therefore advise that you should not grant permission until such time as this mitigation measure has been secured.</p> <p>Advice is also offered in relation to landscape; protected species; environmental enhancements; access and recreation; and biodiversity duty.</p> <p>An amended street scene drawing has been submitted and is included in the power point presentation.</p>	