

**From:** Steven Bainbridge  
**To:** [Daniel Cameron](#); [BMSDC Committee Services](#)  
**Subject:** FW: DC/21/02047 - "additional" paper  
**Date:** 13 September 2021 11:31:01  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.jpg](#)  
[Barn site plan\\_rev1.pdf](#)  
**Importance:** High

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Good morning Daniel and Robert,

Can the following be put in front of the planning committee as 'additional' information for the Barley Brigg planning application going to planning committee on Wednesday please?

**I say 'additional' but it was information submitted to the Council in May**, is featured on the Council's website, but is conspicuous by its absence from the Committee Report; where it is neither referred to or included in the appendix.

I am of course referring to my email of 19<sup>th</sup> May below which, if Members have not been on the website recently, they will be completely unaware of because of its absence from the Committee Report.

This is important because officers are recommending planning conditions to the Committee for which there are problems, as I've set out below.

You may recall at the first field array committee meeting? The lack of agreement between us on basic information and conditions (raised by me in the meeting) led to a protracted deferral, before it was ultimately approved.

**Please can you assure me that this email and the one below will be put in front of Members** so that it ties to my committee speech because I will be making detailed reference to it and Members will, I'm sure, be concerned again that they don't have all the info in front of them.

By way of a summary of the matters I will raise on Wednesday:

- Paragraph 9.4 of the committee report refers to potential enforcement action without qualifying this – the comments in my email below relate
- Re conditions:
  - Report says "noise condition suggested by environmental health team" – the EHO's condition cannot/should not be used, see my comments about this below.
  - Various conditions recommended by Stradbroke Parish Council – see my comments below about lack of justification, enforceability etc.

Regards,

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**From:** Steven Bainbridge

**Sent:** 19 May 2021 16:16

**To:** Daniel Cameron <Daniel.Cameron@baberghmidsuffolk.gov.uk>

**Subject:** DC/21/02047 - applicant's response to consultee comments

Good afternoon Daniel,

The consultation period on planning application 21/02047 ends today. The consultees who were consulted at the outset have all responded and we have the following observations, responses etc.

### **Suffolk County Highways:**

The County Highways Authority clearly and unequivocally raise no objections: "The current proposal would not have a significant impact on the highway network at this location. Therefore, SCC does not wish to raise any objections to DC/21/02047 under highway safety grounds".

For your information, Highways are up to speed on this site because the travel plan conditions was recently approved on the AD plant s73.

### **Environmental Health**

We note the EHO's opinion on the enforceability of the noise condition on 19/01673. You'll recall that condition was transposed from the County AD plant consent. Clearly the County Council's EHO was content with its enforceability. We leave you to form your own opinion on this, however, if you share your EHO's opinion can we direct you to paragraphs 3.15 to 3.17 in the noise report on the County application. In that report (it informed the County's noise condition of course) it makes reference to a measurement period and therefore we wonder if that can be added in as follows:

*COMPLIANCE REQUIRED: NOISE FROM DRYING BARN*

*Noise associated with all components associated with the agricultural crop drying barn hereby approved must not exceed 35dB LAeq 15min at the nearest sensitive residential property, identified as Brigg House. Reason - To prevent any adverse noise impact from the operation of drying and storage plants and equipment on occupiers of nearby noise sensitive premises.*

We also note the EHO's recommendation of a pre-commencement planning condition to a regularisation planning application.

We acknowledge the environmental health department's repeated attempts to secure noise assessments on this site, but from a proportionate perspective, the County has already achieved this for the AD plant which has been monitored and seen a 'benchmark' noise rating for the site established. I cannot see why the environmental health dept. at the district council cannot fall in line with this – it is certainly not as if new development inherently has the capability of being louder than the AD plant engines. In this vein, please remember what we said in the planning statement for 19/01673:

*Residential Amenity Considerations*

*5.8 In relation to the previous approval, that proposal originally involved grain drying with external fans as well as the burning of straw. Those items were dropped from the proposal. In response to the originally proposed scheme the Environmental Health department commented that as no specific details of the external fans and equipment were sought and that this matter could be adequately dealt with by way of a planning condition as follows:*

*"Prior to the commencement of any construction activity the applicant is required to submit an assessment in accordance with British Standard 4142: 2014 Methods for rating and assessing industrial and commercial sound, to show that noise from the drying unit and storage building does not have an adverse impact of the occupiers of nearby noise sensitive premises. The assessment shall be submitted as a written report by a competent person (typically an acoustic consultant) and include details of any mitigation measures to be implemented, for the approval of the Planning Authority." Reason: To prevent any adverse noise impact from the operation of drying and storage plants and equipment on occupiers of nearby noise sensitive premises".*

*5.9 This proposal involves the fans being on the inside of the building and the noise and activities will therefore be contained. We do not feel it necessary for a planning condition to be imposed, but would be pleased to consider this if felt necessary.*

In this application we have said:

*5.4 A grant of planning permission should encapsulate the matters approved in permissions 19/03234 and 19 03469.*

Taking our lead from your EHO we have revisited those matters. We remain content that hours of use should not be imposed – they were successfully removed from 19.01673 under ConD 19/03469. Turning to the NMA 19/03234, we appreciate that the condition on power rating was added at the applicant's request post-committee, but bearing in mind the Council had recommended approval to its committee without it and that recommendation had been supported, that condition actually failed the test of necessity – it therefore should not be transposed to any forthcoming planning permission on this application. An enforceable planning condition including a noise rating, which complements the one on the AD plant, will better

protect residential amenity from noise than a condition limiting power rating of equipment inside of a building.

## **Parish Council**

The parish council include numerous points in their letter, all of which we are content to respond to.

Site history – the planning history of both the AD plant, the piggery and the barns is simply a history of planning permissions. It may have been difficult and complicated for the parish council, but for the parish council to imply it is somehow contentious is unfortunate.

Appearance of the building – for clarity, what we mean in paragraph 2.2 of our planning statement is that planning permission 1837/17 gave permission for a building comparable in appearance, size and scale to the building the subject of this application. In terms of policy requirements, we are simply suggesting that there are no planning policy reasons we can see that wouldn't see this proposal granted on the same basis and in pursuance of consistency in decision making.

Reduced traffic movements between 1837/17 and 19/01673 – we see no problem with this from our planning statement under 19/01673. A barn used solely for storage, with no movement restrictions is eminently capable of generating more traffic than a barn being used for drying; where materials brought in for drying have to sit for a while to be dried – it is common sense.

Policy STRAD13 and traffic – we would simply point to the consultation response from the County Highways Authority.

The neighbouring barn the comment “any increase would be unacceptable” – clearly not to the County Highways Authority.

Proposed condition 1 – Condition 6 would need to be reasonable and bearing in mind the recent comments of Highways, traffic doesn't appear to be a reason which would justify the imposition of that Condition. Condition 10 would fetter development and be illogical bearing in mind the planning history and the granting of 19/01673.

Proposed condition 2 – if planning permission is granted it will be granted pursuant to the information included in the original application. There is no reasonable need to double-control the development in this way.

Proposed condition 3 – the centre of the village is not “nearby”, it is 2.5km as the crow flies. Bearing in mind the granting of 19/03469 this request is illogical and unreasonable.

Proposed condition 4 – the LPA will be well aware of the need to be careful when restricting permitted development rights. The parish council's difficulty in understanding complexity aside, the planning history here is one of planning permissions being granted and successfully followed through to conditions discharges, amendments, successful monitoring visits etc.

Other matters landscaping condition discharges – as our planning statement makes clear, the landscape condition discharge applications were made at the LPA's request. In any event,

21/02045 has been withdrawn.

Other matters 0801/08 enforcement – the parish council make reference to planning conditions but then bizarrely point to landscaping outside of the red lined site area and appear to request the LPA to enforce them? The notes on the drawing they reference concern things outside of the site and we are not convinced that the planning conditions they refer to are Grampian conditions. The Note on the planning permission refers to tree and hedges within the site – there are unlikely to have been any trees or hedges within the red lined site area. If the LPA consider the hedge outside the red lined site area which the parish point to meets the ‘Importance’ criteria in the Hedgerow Regs we would be happy to review that with them. It is incorrect to say that the access has not been shown on submitted drawings. However, if it is of assistance to the LPA, the applicant is happy to offer the attached amended site plan.

If we can be of any further assistance, please do not hesitate to let us know.

Regards,



**Steven Bainbridge MRTPI**  
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