

**BABERGH DISTRICT COUNCIL
DEVELOPMENT COMMITTEE**

4 AUGUST 2010

ADDENDUM TO PAPER

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

Item No	Page	Summary
2	10-16	<p><u>Statement from applicant</u></p> <p>A statement of justification has been received (with reference to paragraph 35 of the Committee report) stating :-</p> <ul style="list-style-type: none">• There are 13 acres (5.26 Ha) which are grazed and cut for hay. There are 2 horses and five Hereford/ Limousin cows all of which are kept on the holding. The statement outlines the applicants intention is to increase the number of horses' and 'expand the herd of cattle by purchasing more cows and rearing some heifer calves from the holding. With the planned expansion of the applicants herd of cattle there is a need for space to house cattle during winter months .• Cows require 8 metres squared; when housed with their calves a further 2 metres squared is required. Based on these figures the building has a capacity for 14 cows and calves. With a proposed floor area of 140 square metres there is adequate space in the cattle shed for the existing herd and to accommodate the proposed increase in numbers.• With 13 acres of pasture the applicant considers he would be able to expand his herd to 13/14 cows to maximize on the grazing.• The statement indicates the applicant also intends to purchase more horses, (but no precise number is specified)• The applicant states that 13 acres of grassland should produce approximately 104 big round bales of hay which all need to be stored undercover to preserve them through the winter months without rotting. In addition the applicant requires covered storage for silage, hay and straw and supplementary feed and for keeping machinery under cover. <p><u>Chief Planning Control Officer</u></p> <ul style="list-style-type: none">• The submitted justification has been taken into account and assessed but the recommendation to refuse planning permission still stands.

3	17-23	<p><u>Occupier of Orchard Cottage</u></p> <p>Does not object to the development in general but is concerned that any additional surface water runoff will add to the flash flooding problem and requests that any permission imposes adequate conditions to ensure that additional surface water does not exacerbate the flooding outside Orchard Cottage.</p>
4	24-33	<p><u>Revised comments from Environmental Health (which supersede earlier comments) stating:-</u></p> <ul style="list-style-type: none"> • I understand that one of the effects of granting permission could be to allow music to be played during the extended hours of operation applied for. This being the case, there is considerable potential for a significant loss of amenity from noise to the nearest noise sensitive premises and to Pannington Hall in particular, the boundary of which is just five or so metres from the barn and the façade of which is approximately 30m away. I appreciate that Pannington Hall is currently unoccupied, but this may not always be the case, particularly with current initiatives to bring disused properties back into use. • I should point out that, without any "up front" assessment of likely noise levels from amplified music/speech outdoors and the impact on the nearest (inhabited) residential properties, it would in my opinion, be too great a risk to grant a permission which would allow such activities, even if permitted on a limited number of occasions. There is a distinct likelihood of nuisance and no information to support an alternative conclusion. I have been unable to conceive of any conditions which would adequately control noise from such activities (and all eventualities). I would therefore strongly recommend that no amplified music/speech should be permitted outside the buildings. • I would further recommend that amplified music/speech should only be permitted inside the buildings during the hours applied for if a condition could be imposed "to tie" the activities applied for to the occupancy of Pannington Hall e.g. such activities "shall only be permitted if Pannington Hall, Pannington Hall Lane, Wherstead IP9 2AR is either (a) uninhabited; or (b) occupied as a dwellinghouse by a director or employee of the company which is the Premises Licence Holder; or (c) lawfully used for purposes other than a dwellinghouse and is either under the ownership or direct control of the Premises Licence Holder".

- I note that the application would permit up to 128 people to be catered for in the external dining area shown in the application. Such a large number of people are likely to generate levels of noise which would be clearly audible and would give rise to a significant loss of amenity to any future residents of Pannington Hall. I would therefore recommend that use of the external dining area at the hours applied for should only be permitted if the activity can be “tied” to the occupancy of Pannington Hall - in a similar manner to that described above. **In the event that this cannot be achieved either legally or by condition, then I would recommend that the application should be refused on the grounds that there would be unreasonable disturbance and a significant loss of amenity from noise to any residents of Pannington Hall.**
- If use of the external dining area is permitted during the hours applied for, then I would also recommend that it be restricted to the area shown in the plans submitted with the application. This would ensure that the barn/restaurant buildings provide some "shielding" from any noise to the residents of Pannington Hall Cottage.
- If the effect of granting permission would be to allow amplified music/speech inside the buildings at the hours applied for, then I would recommend that the following conditions should be imposed to limit loss of amenity from noise to nearby residential properties and to ensure adequate management controls are in place:
 - All external doors and windows to the Barn shall be kept shut (and fitted with self closing devices) during the playing of amplified music/speech, save to permit access to and egress from the Barn.
 - Use of an electronic noise limiter of a type agreed with the Local Planning Authority
 - 14 days notice of first event involving amplified or live music and trial of first event (with at least 7 days prior notice) so as to assess noise levels being emitted from the barn
 - Unamplified music played outdoors shall only be played in the “Herb Garden” and permitted until 7.00pm only.
 - Vehicles leaving the premises after 5pm on Monday to Saturday and 4pm on Sunday should be directed to depart via the exit route to the west of the car park.

		<ul style="list-style-type: none"> • Provision of a gate to be installed across the eastern entrance to the car park and for it to be closed after a specified time in the evening (9pm) <p><u>Agents Solicitor</u></p> <p>Confirms that conditions have been agreed with Environmental Health regarding the licensing application and that reference is made to an application at Stratford Hall Farm.</p> <p><u>Landowner of Pannington Hall Estate</u></p> <p>Supports the application. A considerable sum is being spent on renovating the barn to diversify the whole farm's income and Jimmy's Farm contributes to the local economy. The pair of semi-detached cottages at the junction with the A137 is owned by the estate.</p> <p><u>Errata</u></p> <p>Para 42 should be read as a continuation of Para 41, and Para 62 should be read as a continuation of Para 61.</p> <p><u>Chief Planning Control Officer</u></p> <p>The revised comments received from Environmental Health have been taken into account and assessed and the recommendation to refuse planning permission still stands on sustainability and residential amenity grounds.</p>
5	34-39	<p><u>Head of Contract and Asset Management</u></p> <p>(Arboriculture)</p> <p>Has inspected the 3 Norway Maple trees growing on land adjacent to the application site and considers that it will be necessary to prune them back to accommodate the raised height of the building but this should not have any significant impact upon local amenity.</p>

3 August 2010