

Application for Determination

Parish	Oulton Broad		
Reference	BA/2013/0410/FUL	Target date	27/02/2014
Location	Ivy House Farm Hotel, Ivy Lane, Oulton Broad		
Proposal	Erection of a marquee and installation of toilet block within existing store building		
Applicant	Ivy House Country Hotel Ltd		
Recommendation	Approve subject to conditions		
Reason referred to Committee	Third Party Objections		

1 Introduction

- 1.1 This is a report back to committee following an initial report which was produced and deferred at the Planning Committee dated **28 February 2014** due to a large number of objections being received. The large number of objections received and new issues raised, plus further information provided need to be considered. Details of the site, proposals, and Policies are as set out in the previous report which is attached at Appendix A.
- 1.2 This report updates consultation, background information, and assessment of the proposals.

2 Background and Additional Information

Further Site Details

- 2.1 A Suffolk Wildlife Trust (SWT) Centre and Nature Reserve sits approximately 400m to the west of the application site. The land managed by the SWT is designated an SSSI and forms part of the Broadland SAC and SPA. There is a short spur of the SSSI which lies at approximately 120m from the application site then stretches out to the west. A public footpath runs along the north of the application site linking the east of Oulton Broad to Carlton Marshes. The site sits outside Oulton Broad's Conservation Area, which runs through the centre of the Broad to the north, by approximately 200m.

Further Proposal Details

- 2.2 Currently the site is predominately used as a hotel with a restaurant and bar (80 covers) which is opened out to the wider public along with hotel guest (20 letting rooms). The restaurant is currently used to hold functions such as weddings and on these occasions is shut to other hotel guests and the wider public. The applicant seeks a means to be able to hold functions without closing off parts of the existing hotel to other hotel guests and the wider public.
- 2.3 The application is for the erection of a marquee to hold functions such as weddings and the installation of a toilet block within an existing brick store. This would mean that the owners could keep the existing restaurant open to hotel guests and the wider public whilst holding functions in the marquee.
- 2.4 The marquee is proposed to be used for functions with live/audio entertainment available, as and when required. The owners predict a possible use of the marquee 2-3 times a week in peak periods, covering up to approximately 140 days in any one year. They expect the average covers to be 100-150 guests but would have the capacity to cover up to 250 guests, as and when required.
- 2.5 The existing car park, which holds approximately 110 cars (4 disability spaces) and 17 cycle spaces, is proposed to be re-gravelled, which, in itself, does not require planning permission.

The Premises Licence

- 2.6 Concurrent to the submission of the planning application the applicants have submitted a Premises License Variation Application relating to live and recorded music and the supply of alcohol. This is being considered by Waveney District Council and does not affect the planning process relating to the marquee.

Further Noise Information Provided by the Applicant

- 2.7 Upon receipt of a number of objections from the north side of the Broad the applicants have undertaken an additional acoustic test since the writing of the previous report, testing background levels from the north bank. Environmental Services have reviewed this information as discussed below.

3 Updated Consultations (since the writing of the previous report)

Broads Society - Previously no objections. Updated Response: Now aware of the proposals for an extended music and drinks licence and therefore now strongly object to this proposal. The area is highly valued by local residents for its peace and tranquillity and the introduction of music and entertainment lasting into the small hours is highly inappropriate. It is also adjacent to a Nature Reserve and the anticipated disturbance from late night music is not acceptable

District Members (Carlton Ward) - Response awaited.

Suffolk Wildlife Trust - Site is situated approximately 120m to the boundary of land which forms part of the Broadland SPA, SAC, Ramsar Site and SSSI. Currently it is unclear whether an adverse impact on the designated area would result particularly regarding light and noise pollution. As an adverse impact may result, we advise you consult Natural England.

Natural England - Response awaited.

4 Updated Representations (since the writing of the previous report)

4.1 31x Letters/Emails of objection.
13x Letters/Emails of no objection to principle of the marquee but concerns over Noise.

4.2 All representations have been considered as summarised in the table below:

Objections	Response
Noise	See paragraphs 5.3 - 5.11
Would like to see appropriate noise restrictions	See paragraphs 5.3 - 5.11
Operational Hours- late into the night, as late as 2:00am	See paragraph 5.3 - 5.11
Adverse impact on quiet nature of the site	See paragraph 5.13
Visual Amenity- marquee would be out of keeping- an eyesore	See paragraph 5.13 and previous report at Appendix A
Impact on the Character of the Conservation Area- both noise and visual amenity	See paragraph 5.13
Traffic- both in terms of highway movements and impact of car lights and noise on neighbouring amenity	See paragraphs 5.14 - 5.15
Impact on wildlife	See paragraph 5.16
Impact on the SSSI	See paragraph 5.16
Adverse impact on users of the footpath	A public footpath bounds the north of the site and runs from the parish of Oulton Broad through to White Cast Marshes. Given the wider, vibrant, context of Oulton Broad, as the development is considered in scale and kind of the existing use of the site, and given the existing and proposed landscaping it is not considered that there would be an adverse impact on users of the footpath.
Will encourage anti-social behaviour	The site can already hold functions. It is not considered that the use of a marquee to

	hold functions will increase anti-social behaviour and it is considered that it would be in the interests of the owner of the site to discourage this type of behaviour. None the less this is not something which can be controlled by the planning system.
Increased litter	As above, the site already holds functions and there is no reason to believe that an increase in litter would result. It would be of the interest of the owner to keep the site clear of litter and is not something which can be controlled by the planning system.
Light pollution	See paragraph 5.12
Health and Safety with concerns over use of alcohol and closeness to water	The site can already hold functions and the users have access to the open water. As a service provider the hotel will already have the responsibility to ensure compliance with Health and Safety Regulations and is not something which can be controlled by the planning system.
Adverse impact on the holiday trade	The development is considered complementary to the economic uses of the wider area and given that appropriate noise restrictions are imposed it is not considered that there would be an adverse impact on the quiet nature of the site or any other factor contributing to attributes favoured by tourists.
No economic benefit to the local community	See previous report at Appendix A
No benefit to the Broads area	See previous report at Appendix A
Decrease property price	This is not a material planning consideration.
Use of a Helicopter at the site	A current business user of the hotel arrives by helicopter and this does not require planning permission. It is not the intention to use a helicopter in association with the use of the marquee or for any type of fun-seeking tours.
Noise impact on residential house boat owners which reside approximately 100m from the site	The Authority has no record of planning permission being granted for house boat moorings in this location. This use is therefore unauthorised.
The owners have a history of antagonising neighbours of the Broads with reference to the colourful caravans which sit in a field adjacent to the application site	The Ivy House Farm site is under new and in separate ownership from the field of caravans mentioned and in any case this is not a material planning consideration.
Description of the application	The applicant provides the description of

was misleading	the proposal on the application form which states 'Erection of a Marquee and Toilet Accommodation within an Existing Building'. The proposal is for the erection of a marquee and the fitting out of an existing building to use as toilets. The description outlines both parts of the application and the plans clearly show the location of the marquee. It is not considered that the description is misleading.
Consultation was not undertaken correctly	Article 13 of the Town and Country Planning Development Procedure (England) Order 2010 sets out the requirements for publicity of a planning application. This requires that the Local Planning Authority place a site notice 'in at least one place on or near the land to which the application relates' or by formally notifying any adjoining owner or occupier. In this case the Broads Authority both placed notices on the site (3 in total) and notified almost 30 neighbours to the north and south of the Broad. The Authority have therefore exceeded the minimum legal requirement regarding consultation by a considerable margin. It is clear that there is wide knowledge of the application locally.

- 4.3 An objection has been received from the owner of a houseboat on Oulton Broad, on grounds of noise and disturbance. This letter is attached at Appendix C.
- 4.4 In addition, one of the objectors from the north of Oulton Broad has commissioned and submitted their own acoustic report. The conclusions of this demonstrate that there would be an adverse impact in terms of noise on the residents to the north of Oulton Broad.

5 Updated Assessment

- 5.1 The updated assessment covers the following matters - noise and neighbouring amenity, light pollution, impact on the Conservation Area, highway safety and traffic disturbances and impact in ecology.
- 5.2 The issues of the principle of the development, the impact on trees, flood risk, impact on neighbouring visual amenity are as set out in the previous report and are considered acceptable.

Noise and Neighbouring Amenity

- 5.3 The issue which has attracted the highest level of concern from neighbours is the impact of noise from any live/audio equipment used when functions are held within the marquee. Environmental Services at Waveney District Council outlined that they had no objection to the principle, given the distance of the marquee from neighbouring properties, which is approximately 400m to the north of the Broads and 310m to the south, and position within a well-established landscaped garden, as long as any audio equipment was restricted to an appropriate level and by the appropriate means.
- 5.4 They recommended that an audio report be submitted and the method of noise restriction be applied to limit the noise to an appropriate level based on existing background levels of noise experienced at the site and nearest neighbours. This report has been submitted and discussions regarding the restriction were undertaken. Based on the findings of the report an appropriate means of noise level restriction and level has been ascertained, which Environmental Services are satisfied with.
- 5.5 In addition to the previous submission the applicants have updated their acoustic report as a result to the level of objections coming from the north bank of the Broad. They have submitted additional data taken from the north bank which show current background noise levels and indicates that the levels of noise emitted from the marquee will have reduced to lower than average background existing noise levels at the north bank. The Environmental Services Officer is satisfied with this information.
- 5.6 Existing background noise level are quite high on Oulton Broad, compared with more rural sites, due to the situation of the main hub of Oulton Broad, roads, railways, etc, although it is recognised that the site lies 1 kilometre west of the central area of Oulton Broad so noise levels are lower. The applicants propose the use of a "Dateq SPL5 system" through which audio equipment would be played. This would limit the sound levels emanating from the marquee ensuring that the sound which reaches neighbouring properties is no higher than existing background noise levels, meaning no additional impact.
- 5.7 They propose to limit any audio equipment to 82dB (the highest restriction as recommended by the audio report). This level is low for live/audio equipment, comfortable conversations will be achievable within the marquee, but this restricted level is considered reasonable given the location and distance to neighbouring properties. The applicants have also agreed further restrictions meaning that all octave levels of music will not exceed existing background noise level once they have reached neighbouring properties on both the north and south side of the Broad. The equipment will be designed to factor this in. This means that even bass level (which can travel further than higher pitches) will be at a satisfactory level when reaching neighbouring properties. They also are agreeable to prohibiting the use of certain instruments.

- 5.8 Originally they proposed the use of a restriction of 82dB until 00:00 with a reduction to 72dB from midnight until 02:00, when the marquee would close. As a response to neighbour concerns to both the planning and licencing applications they now propose to limit the use of live entertainment/audio equipment until 00:00 with the exception of New Year's Day where the sound is proposed to be limited to the reduced 72dB from 00:00 until 00:30. In addition to this they propose to have any host of functions enter into a contract with the hotel regarding the use of the marquee which will include the need to comply with the audio restrictions and they have submitted this contract. This is recommended to be restricted by the audio condition for clarity.
- 5.9 It should also be noted that functions can already be held within the existing buildings, and there is therefore already a level of audio output which has not be restricted in such a way previously. They have an existing music licence, for both live and recorded music, which runs until 02:00 on any day. The applicants, however, are also mindful of the comfort of their own residents within the hotel complex and therefore have their own interest in restricting any audio output. They are satisfied with the high level of audio restrictions and limitations due to this and are satisfied this will meet the users of the marquees needs.
- 5.10 Therefore, given the high level of restrictions and limitations proposed it is not considered that there would be any additional adverse impacts on neighbouring amenity as a result of the use of audio equipment/live entertainment within the marquee. Environmental Services quote 'the agreed limits provide the greatest level of protection for existing residents'. The Environmental Services Officer does recommend that the condition originally recommended remains to ensure that the limiter is installed, operated and maintained in a manner which effectively limits the sound level of music within the marquee, including octave variations and conditions prohibiting the use of certain instruments, the design of the restricting equipment to be agreed prior to installation and a condition covering the testing of the equipment once installed.
- 5.11 With regard to the additional noise survey undertaken and submitted by an objector, the Environmental Health Officer advises that they have used a differing approach to noise level measurement to the applicant's submission. It is the view of the Environmental Health Officer that this alternative methodology is not appropriate for this particular operation. The Environmental Health Officer is preparing a formal response to this alternative survey and members will be updated on the formal comments on this verbally.

Light Pollution

- 5.12 No external lighting proposals have been submitted with the application. It is considered that the marquee itself would provide a level of protection against light pollution in terms of internal lighting, none the less it is considered reasonable that any external lighting and lighting within the marquee proposed is submitted and agreed as a condition to ensure the appropriate level and type are agreed. No spill, LED lighting is likely to be considered appropriate.

Conservation Area

- 5.13 Oulton Broad is a popular tourist and visitor destination and as a result is vibrant in its overall character. A number of public houses, bars, and restaurants sit at the eastern end along with a number of bed and breakfasts and hotel accommodation. A public park, amusement arcade and petting zoo line the southern bank of the Broad. To the immediate east of the application site a caravan park exists with a number of lodges, static caravans and private moorings. The marquee would be seen in the wider context of Oulton Broad which is characterised by the variety of different uses. Given this, and given the scale and character of the marquee it is considered appropriate to the hotel's setting and use, it is not considered that its existence would adversely impact the character of the Conservation Area which sits approximately 200m to the north of the site (the boundary of the Conservation Area runs through the centre of the Broad), on the opposite side of the Broad, particularly given that the marquee would be well screened due to the existing and proposed landscaping from views from the Conservation Area.

Highway Safety and Traffic Disturbances

- 5.14 A number of objectors raised concerns over highway movements as a result of the proposal. It should be noted that the site has an existing use and can (and does) currently hold functions, such as weddings, within its existing buildings. It is however, acknowledged that the proposal would mean an increase in use of the site as the existing facilities (most notably the barn restaurant) would be able to remain open whilst the functions are moved to within the marquee. However, there is good access into the site off a main A-road and the junction with the public highway is good. In terms of leaving the site, with functions such as weddings, not all guests will be leaving at one time, there tends to be a phased period over which people will leave a function and this will reduce any build-up in traffic. In addition, the houses which do exist on the lane up to the site exist on a new part of the road which is a double lane and of a higher standard. Therefore, although the track down to the site is minor in nature, it is considered that the track can take an increase in vehicular movements, on the scale and nature proposed, without adverse impact on highway safety or neighbouring amenity.

- 5.15 There is an existing established formal driveway and car parking area and additional overflow car park. The car parks together hold approximately 110 parking spaces, 5 disabled spaces and 17 cycles. It is therefore considered that there is enough parking provision existing. The site is situated close to two railway stations, Oulton Broad South being approximately 700m away, and is accessible by bike, via roads, or foot by a public footpath which runs the length of the south bank of the Broad. The Highways Authority have no objection and it is therefore considered that there will be no adverse impact on highways safety as a result of the proposal.

Impact on Ecology and the SSSI

- 5.16 It is acknowledged that the land opens out to undeveloped agricultural land to the west. The site is also situated approximately 400m from the main part of the SSSI (White Cast Marshes) although there is a small spur located approximately 120m from the site. This land is managed by the SWT as a Nature Reserve and they have an education centre which sits approximately 400m to the west of the site. Given functions can already be held at Ivy Farm, within the existing buildings and grounds, which sit closer to the designated area than the proposed marquee, as Oulton Broad already sees a high level of disturbance due to its use, and given the strict noise restrictions proposed it is not considered that there would be an adverse impact on the SSSI or the quiet character of the more open rural area out to the west, as a result of the proposals. Never the less, Natural England has been consulted and their response awaited. Although the applicant is proposing additional planting which will have biodiversity benefits, it is considered that additional benefits could be secured via condition.

6 Conclusion

- 6.1 The development is considered to be an appropriate type of development, it is considered that the development will be well screened and complement the existing use of the site, and that there would be no adverse impact on highway safety, trees, flood risk, neighbouring amenity, or ecology.

7 Recommendation

- 7.1 Approve subject to the following conditions:

- (i) Time Limit
- (ii) In accordance with plans and reports submitted
- (iii) Marquee to be removed for two consecutive months in any one year
- (iv) Details of the audio limiting restrictions to be submitted, installed and agreed, in accordance with the audio restrictions imposed by Environmental Services at Waveney District Council (including the 00:00 cut off for live music/audio equipment and 00:30 for New Year)
- (v) Design of Audio Limiting Equipment to be agreed prior to installation
- (vi) Testing of Audio Limiting Equipment after installation

- (vii) Prohibiting the use of specific musical instruments
- (viii) Biodiversity enhancements to be agreed

8 Reasons for Recommendation

- 8.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP2, DP4, DP5, DP11, DP27, DP28 and DP29 of the Development Management Policies DPD (2011).

Background papers: Application File BA/2013/0410/FUL
Author: Kayleigh Wood
Date of Report: 17 March 2014

List of Appendices: APPENDIX A – Previous Report
APPENDIX B – Note of Site Visit of 14 March 2014
APPENDIX C – Representation by Adrian and Jo Glen

Application for Determination

Parish	Oulton Broad		
Reference	BA/2013/0410/FUL	Target date	27/02/2014
Location	Ivy House Farm Hotel, Ivy Lane, Oulton Broad		
Proposal	Erection of a Marquee and installation of toilet block within existing store building		
Applicant	Ivy House Country Hotel Ltd		
Recommendation	Approve subject to conditions		
Reason referred to Committee	Third Party Objection		

1 Description of Site and Proposals

- 1.1 The application site contains a hotel and restaurant, known as Ivy House Farm Hotel, on the south bank of Oulton Broad. The site is accessed along a minor track, Ivy Lane, which heads north from the A146. A number of buildings exist on site which contain a reception area, dining facilities, hotel bedrooms, function rooms, a manager's apartment and other ancillary buildings. The age of the buildings on site range from the 16th Century Barn, which forms the main restaurant, to more modern structures, which contain the hotel rooms. The site is well screened by soft and mature landscaping.
- 1.2 Following the site being under new ownership, all of the buildings have undergone updating and renovation. Planning permission was granted under delegated powers in 2013 for an extension to the existing dining area which has now been erected.
- 1.3 Neighbouring properties sit to the south of the site approximately 310m away and to the north of the site, on the opposite bank of Oulton Broad, approximately 400m away. A caravan park sits to the east and agricultural land stretches out to the west.
- 1.4 The application is for the erection of a marquee to hold functions such as weddings and the installation of a toilet block within an existing brick store. The marquee is proposed to be approximately 30m long, 12m wide and

5m to the ridge and is proposed to be on site for approximately 10 months of the year. The marquee is proposed to sit within a formal enclosed area of the landscaped garden, which sits to the east of the existing buildings on site and approximately 150m to the south of the Broad. The marquee is proposed to be white pvc coated polyester with pvc windows and doors. The marquee is proposed to be temporary in form, to be secured with supports and pegs, no foundations or hard standing is required. A link is proposed to run from the toilet block to the marquee. The toilet block is proposed to be erected within an existing red brick and pan tile store which is approximately 9m by 6.6m and 5m to the ridge. The existing car park, which holds approximately 110 cars (4 disability spaces) and 17 cycle spaces, is proposed to be re-gravelled as part of the proposals.

2 Site History

In 2013 planning permission was granted for the extension to dining room, extension and relocation of manager's accommodation, re-location of reception - BA/2013/0256/FUL.

3 Consultation

Broads Society - We have no objections provided that adequate screening is maintained or, preferably, improved to minimise any visual impact.

Parish Council - No response.

District Member - Providing there is no visual impact from the broads then this application can be determined by the Head of Development Management (delegated decision) .

Environment Agency - No objection to the proposal subject to a Flood Response Notice and Plan.

Highway Authority – No observations.

Environmental Services at Waveney District Council:

Contaminated land – No concern

Noise – No objection subject to the following condition being imposed:

“The applicant will ensure that the proposed noise pollution control system (Adastra Npc30a), or a similar system if it has previously been approved in writing by the LPA, is competently installed as part of the sound amplification system within the marquee. In order to ensure that the noise limiter maintains adequate and effective control over noise emissions from the marquee:

i. an acoustic assessment to determine the appropriate limit for the noise limiter must be submitted to and approved by the LPA; ii. The results from the acoustic assessment at i, including the proposed noise limit, must be submitted to and approved by the LPA; iii. The noise limiter must be set, and maintained, at the noise limit approved by the LPA at ii; iv. The noise limiter

must be maintained and operated so as to effectively limit noise emissions from any live or recorded music and any other amplified noise sources (e.g PA systems) from within the marquee to the level agreed at ii; and v. all live or recorded music and any other amplified sounds (such as PA systems) within the marquee must be processed through the approved noise limiter.

Reasons: To prevent noise emissions from amplified sources (including live and recorded music as well as PA systems) from causing a statutory noise nuisance or a reduction in amenity to nearby existing residential properties.”

4 Representation

- 4.1 1x letter of neighbour objection regarding:
- Visual Impact
 - Noise Pollution- Carrying of sound across the broad
 - Ivy House hotel have a history of antagonising residents- already reduced visual amenity due to the colourful caravans

5 Policies

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application:

Development Management Plan DPD (2011)

[DMP DPD – Adoption version.pdf](#)

DP2- Landscape and Trees

DP4- Design

DP11- Access on Land

DP27- Visitor and Community Facilities and Services

DP29- Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application:

Development Management Plan DPD (2011)

DP28- Amenity

- 5.3 Material Planning Consideration
National Planning Policy Framework (2012)
[NPPF](#)
- 5.4 Material Planning Consideration- National Planning Policy Framework (NPPF) (2012)

6 Assessment

- 6.1 The main issues to consider in the determination of this application are the principle of the development, visual impact, highway safety, trees, flood risk and neighbouring amenity.
- 6.2 In terms of the principle, both National and Local Planning Policy are supportive of schemes that seek to improve existing visitor and community facilities and services acknowledging the importance of the contribution that such facilities make to supporting a prosperous rural economy. It is considered that these proposals would help improve an existing community and visitor facility and that the proposed use is complementary in scale and kind to the existing use of the site and the proposals are therefore supported in principle.
- 6.3 The marquee is temporary in design, no formal hard standings or foundations are proposed, and the marquee is proposed to be removed for two months of the year. There would therefore be no permanent interruption to the existing built environment. Given the intended use, its situation is considered complementary in scale and kind to the existing use and would not be considered to look out of place here. The design is therefore considered appropriate given the intended purpose. Whilst there would be no permanent interruption of the built form, the standing of the structure for 10 months per year will, it is acknowledged, represent a long-term (if readily reversible) impact on the local area. Although large, the marquee is proposed to sit within a well-established enclosed part of the grounds. Given the distance to the Broads and situation within a well-established landscaped garden, only minimal external views will be apparent, particularly in the warmer months when the trees are well leafed. Additional native landscaping is proposed to fill up gaps in the boundary, which will have additional biodiversity benefits also. It is therefore considered that there will be no adverse visual impact as a result of the proposals.
- 6.4 There is an existing established formal driveway and car parking area and additional overflow car park. The car parks together hold approximately 110 parking spaces, 5 disabled spaces and 17 cycles. It is therefore considered that there is enough parking provision existing. The Highways Authority has no objection and it is considered that there will be no adverse impact on highways safety.
- 6.5 The link from the toilets to the marquee is proposed to run through mature trees. However, no foundations or hard standings are required and it is therefore considered that there would be no adverse impact on trees.
- 6.6 In terms of flood risk, the marquee is proposed to be situated within an area which is partially within Flood Risk Zone 3. Given the building is temporary and can be removed its use is considered water compatible, and an appropriate use for the zone. In addition, the applicants have submitted a Flood Response Plan, will be linked up with the Environment

Agency's Flood Warning, and will cancel any functions and remove the structure in the event of receiving a flood warning. It should be noted that in the recent flood events, the marsh which sits to the north of the site, by the Broad, was not breached and the area in which the marquee is proposed to sit remained dry. The Environment Agency do not object to the application and it is therefore considered that there will be no adverse impact on flood risk.

- 6.7 An objection has been received on the grounds of impact on neighbouring amenity and it is acknowledged that the main external view of the marquee will be from the upper floors of the properties which sit to the north of the Broad. However, as expressed above the use is considered complementary in scale and kind to the existing use, is situated over 400m away across the open water of the Broad, and will be well screened. The development will also be seen in the context of the existing buildings on site and neighbouring caravan park. The marquee's existence is therefore not considered to be inappropriate or adversely impact on neighbouring visual amenity.
- 6.8 An additional concern of the neighbour was the impact of noise from functions held within the marquee. Environmental Services at Waveney District Council outlined that they had no objection to the principle, given the distance of the marquee from neighbouring properties and position within a well-established landscaped garden (which will help absorb noise), as long as any audio equipment was restricted to an appropriate level. They recommended that an audio report be submitted via condition to agree the method of restriction and an appropriate noise level. This report has been submitted and discussions regarding the restriction are currently being undertaken. Members will be updated regarding this verbally. Subject to the method and level being agreed and covered by a specific condition, it is considered that audio levels can be appropriately controlled and that there will be no adverse impact on neighbouring amenity.
- 6.9 In terms of the neighbour's comments regarding the owner of Ivy House Farm having a history of antagonising neighbours of the Broads, with particular reference to the colourful caravans, the Ivy House Farm site is under new ownership and in any case this is not a material planning consideration.

7 Conclusion

- 7.1 The development is considered to be an appropriate type of development, it is considered that the development will be well screened and complement the existing use of the site, and that there would be no adverse impact on highway safety, trees, flood risk, or neighbouring amenity.

8 Recommendation

8.1 Approve subject to the following conditions:

- (i) Time Limit;
- (ii) In accordance with plans and reports submitted;
- (iii) Marquee to be removed for two consecutive months in any one year;
- (iv) In accordance with the audio restrictions imposed by Environmental Services at Waveney District Council, in line with the audio report submitted.

9 Reasons for Recommendation

9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies DP2, DP4, DP11, DP27, DP28 and DP29 of the Development Management Policies DPD (2011).

Background papers: BA/2013/0410/FUL

Author: Kayleigh Wood
Date of Report: 10 February 2014

List of Appendices: Appendix 1: Site Location Plan

APPENDIX 1

**BA/2013/0410/FUL – Ivy House Farm Hotel, Ivy Lane, Lowestoft
Erection of a marquee and toilet accommodation within existing building**



PLANNING COMMITTEE

28 March 2014

Note of site visit held on Friday 14 March 2014

**BA/2014/0410/FUL Ivy House Farm Hotel, Ivy Lane, Oulton Broad, Lowestoft
NR333 8HY**

Erection of a Marquee and toilet accommodation within existing building

Applicant: Ivy Country House Hotel Ltd.

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Dr J S Johnson
Miss S Blane	Mr J Timewell
Mrs J Brociek-Coulton	Mr P Warner
Mr C Gould	

In attendance:

Mrs Sandra A Beckett – Administrative Officer (BA)
Ms Andrea Long – Director of Planning and Resources (BA)
Ms Cally Smith – Head of Development Management (BA)
Ms Kayleigh Wood – Planning Officer (BA)

Mr Andrew Reynolds – Environment Health officer (Waveney District Council)
Mr Mark Seaman – Environment Protection Officer (Waveney District Council)
Dr Adrian Parton – Owner/ Applicant
Mr Keith Parton - Manager of Hotel/Applicant
Mr Ian Garrett– Agent for Applicants

Apologies for absence were received from: Prof J Burgess, Mr N Dixon, and Mr P Ollier.

Introduction

The Chairman welcomed everyone and invited them to introduce themselves.

No decision would be made at this visit but the matter would be considered in detail at a future meeting of the Planning Committee.

Following an explanation of the application, Members were given the opportunity to view the site from various vantage points and ask questions.

The Proposal

The Plans

The Planning Officer introduced and gave a description of the application for a marquee which was associated with the Ivy House Country Hotel. She provided the context for the site within the Waveney valley using maps and photographs pointing out the residential area to the North on the other side of Oulton Broad, the former Pegasus boatyard site with planning permission for redevelopment, the area for bars and eating establishments coming round to the community area of Nicholas Everitt Park to the east, and the Suffolk Wildlife Trust Nature reserve to the west. The Planning Officer pointed out the Conservation Area on the north bank of Oulton Broad, opposite the site, as well as the SSSI of White Cast Marshes on the south side. She explained that the hotel/Restaurant had 20 letting rooms with a restaurant cover for 80. Functions were already held on the premises but as private functions with the bar closing to other visitors. The applicant wished to be able to hold functions without having these facilities closed. Since the report had first been written, objections had now been received from 40 residents. These mostly came from Borrow Road, Broadview Road on the other side of Oulton Broad and Smiths Walk to the south of Ivy House Country Hotel. The main issues related to noise and therefore residential amenity. The comments would be summarised in an updated report to the Planning Committee.

It was noted that the premises currently held licences for the bar and music which extended to 2.00am. However, the applicants explained that this had not been exercised and they did not wish to do so since they had guests within the hotel and therefore limited the hours to 12 midnight. The applicants were prepared to have sound limitations for the marquee. It was clarified that a Licensing application had been submitted for the marquee and that this would be decided by Waveney District Council, separately from any planning application.

Site context

Members walked down the brick path eastwards from the main restaurant into the grounds to the site of the proposed marquee. This was marked out by pegs and tape to give an idea of its size and extent which would be 30m long and 12 m wide with an eaves height of 2.1 metres and three pinnacles. A Ranging pole of 5metres illustrated the ridge height of the proposed marquee. The marquee would include a reception area, seating area, food preparation area, bar and wooden dance floor and carpet. No foundations or hard standing were required. It was proposed to remove the marquee for two months of the year in order to clean the white pvc coated polyester with pvc windows and doors and maintain the materials of the marquee to a high standard.

Members noted the considerable amount of vegetation around the site and that additional landscaping was proposed, some of which had already been carried out with infilling in the northern gap in the existing trees which looked towards the Broad.

It was noted that the properties on the northern side of Oulton Broad from where the objections came were up to 420 metres from the site of the marquee. The properties on Smith Walk were 260 metres from the site.

Members were then able to walk down on to the public footpath nearer to the Broad which was separated from the main water body by a large area of reed bed. It was noted that Ivy House Country Hotel's total 21 acres included the reed fringe and SSSI. Members were just able to see the other side of Oulton Broad through the lifting fog.

Noise Reports

A supplementary Noise Acoustic Report to that which had already been submitted with the application had been carried out by Adrian James Acoustics Ltd, copies of which were provided for members of the Committee. This had been carried out on a Friday/Saturday between the hours of 23.00 and 01.00hrs. from positions adjacent to Oulton Broad and Broadview Road on the other side of the Broad from Ivy House Country Hotel. The full report was also provided for members. This was undertaken on a Wednesday/Thursday 22 and 23 January between the hours of 23.00hrs and 01.00hrs and measurements were taken from the south nearer to Smith's Walk. These reports provided information on background noise level measurements.

In answer to members' questions, the Environmental Health Officers explained the complexities of assessing the impacts of noise and the potential mitigating effects. The background noise on the northern side of the Broad was louder than that of the south. Trees would not provide a measureable attenuation, unless a considerable depth of planting was achieved. An acoustic barrier could be designed but its effectiveness would depend on height, length, density and distances. Different weather conditions as well as distances, ground levels and conditions all had an effect. There was a specific formula involving noise intensity and distance and a correlation between these two but attenuations would be different depending on other factors. One of the main concerns would be from the low frequency of music involving base rhythms resulting in the "thump, thump" resonance.

Members were informed that the objectors had commissioned their own Noise Survey. The Environment Protection Officers explained that both of these surveys would require careful scrutiny and further examination before they could provide a qualified opinion.

Other Viewing points

Members moved off the site of Ivy House Country Hotel, along the private gravel drive to the main road and stopping at Smith's Walk to gain an understanding of the distance between the properties on Smith's Walk and the proposed site of the marquee. It was noted that one of the concerns stated by the residents of Smith's Walk was the sound of traffic (particularly on the gravel) when cars left any function from Ivy House Country Hotel particularly if this was in the early hours of the morning.

Members then drove round to the north side of the Broad, going to Broadview Road and viewing the site from the upstairs window of Broadbank, and subsequently the grounds of Gunton Lodge at the end of Broadview Road, directly opposite the application site. Members were then able to view the site from the grounds of the Broadlands Residential Care Home on Borrow Road.

Procedures

The Director of Planning and Resources explained that it was intended that the application would be considered by the Committee at the next meeting on 28 March 2014. However, a number of matters required further clarification. The Noise/Acoustic reports, including the supplementary report and the report commissioned by the objectors required careful examination by the Environmental Health Officers to review the methodology and the models included. If these could be assessed and an opinion provided to the planning officers by 18 March, this would be included within the report to Committee. Failing this the application would need to be deferred to the following meeting.

Conclusion

The Chairman thanked everyone for attending the site inspection. At present, it was intended that the application would be considered by the Planning Committee at its meeting on 28 March, subject to the additional relevant information being provided

The Chairman declared the meeting closed at 12.00 noon

Adrian & Jo Glen
House Boat "Mallard 1"
Oulton Broad
Suffolk

Postal Replies to: Hill House Sapiston Bury St Edmunds Suffolk IP31 1RR
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March 11, 2014

Ms Kayleigh Wood
Planning Assistant
Broads Authority
Yare House
62-64 Thorpe Road
Norwich
NR1 1RY

Dear Ms Wood

Ref: BA/2013/0410/FUL
Ivy House Country Hotel

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the development of this facility in this location.

Oulton Broad is a National Park where development proposals should be considered very carefully. The protection of Oulton Broads visual, historic and natural diversity should be considered at all times. This application is going to have a major impact upon the enjoyment and tranquility of the Broad for all users.

We have a static houseboat on the Broad less than 800 feet from the proposed site of the marquee. Our houseboat has been on this mooring since the 50s and has a full residential license. While we do not at present live aboard full time, although that is possible in the future. It is used extensively throughout the summer months and would be severely affected by noise pollution from a marquee with live music or disco's playing until 2.00AM. This houseboat has to be considered a residence, like any normal house, as it has a full residential license, therefore we are the nearest neighbors' at less than 800 foot.

I draw your attention to the reply from the Environmental Officer with regard to the playing of loud music:

Mark Seaman's comment in e-mail reply sent to Broads Authority Planning Dept 15/02/14 paragraph 5.

Ms Kayleigh Wood

March 11, 2014

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'marquees are for obvious reasons inherently unsuitable for housing loud events such as music or discos. In this case the lack of any noise attenuation from the marquee is aggravated by the fact that existing background noise levels are rather low. I must advise that even if the above limits are applied it may still be possible that existing residents may be disturbed by the music'.

As residents we have a right to be inside our houses with our windows open on a still evening and for music not to be audible inside our homes. Since canvas or vinyl provides little (if any) meaningful attenuation to the transmission of noise, so the event may just as well be outdoors.

Limiters and conditions on music levels been advised, these are only as good as the people who control them and will not work with a tent, that has no sound proofing. Misuse is known !

Let alone the noise nuisance caused by clapping, cheering at speeches, shouting, smokers outside, drinkers shouting above music, drunken disorderly behavior, bottle and glass and crockery clearance at 2.00AM

We know from firsthand experience just how much the sound of music and crowds travels across the water, from the enjoyable annual events held around the Broad, but these are just that, annual events for the enjoyment of all. Not private parties that can be held 10 months of the year, giving no respite and time to enjoy the unique tranquility the Broad offers in the evenings, when even a single voice carries across the water.

Please find to follow three plans that give the Planning Council an idea of the location, please make sure copies of these plans are made available to all members sitting at the planning meeting.

I give permission for my objection to be in the public domain.

Sincerely,

Adrian & Jo Glen





