

Dear Councillor

DEVELOPMENT MANAGEMENT PANEL - MONDAY, 18 APRIL 2016

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

LATE REPRESENTATIONS (Pages 3 - 6)

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TO: ALL DEVELOPMENT MANAGEMENT PANEL MEMBERS

Dear Councillor,

DEVELOPMENT MANAGEMENT PANEL APRIL 2016

Item 3(b)

(1) – Amendment to Scheme of Delegation in relation to making and confirming Tree Preservation Orders.

Since the publication of the DMP Agenda, officers received legal advice in respect of the above, and further discussions took place with the Chair of the Development Management Panel. As such, it is recommended that the Recommendation in section 3(b)(1) – page 67 is amended to read as follows:

Changes to Scheme of Delegation

RECOMMENDATIONS:

1. That Members note the contents of the report and amend the Scheme of Delegation as follows:
 - i. *To give delegated powers to the Head of Service (currently Andy Moffat) and Planning Services Managers to make and confirm Tree Preservation Orders where no objections have been received; and*
 - ii. *To give delegated powers to Tree Preservation Order Sub Group to decide whether or not to confirm a Tree Preservation Orders where objections have been received.*
2. The recommendation under 3(b)(2) – Tree Preservation Order L/TPO/381 at 15 Hunts End, Buckden is amended to read:

The Development Management Panel is requested to decide whether or not to confirm the Tree Preservation Order L/TPO/381 at 15 Hunts End, Buckden

Item 4 (a)

Change of use to A4 public house, together with internal and external alterations and extension 8 Market Hill St Ives PE27 5AL

St Ives Town Council has provided information on the noise sensor fitted at the Corn Exchange, St Ives; and made the following comments:

- Noise issues from the proposed beer garden were a major item of discussion when the application was considered given the close proximity of residences.

- The provision of a noise sensor was suggested and accepted by the DMP as a way of allowing the building users to manage noise and ensure it did not cause disturbance.
- Noise sensors are a common requirement for community halls and external units are also specified on major construction projects.
- It is not intended that the sensor should monitor the level over a 16 hour period. The sensors used in community halls provide an instantaneous reading and give an indication if the set sound level is exceeded for a period of time. This time delay will deal with short term external noise such as traffic or bird song.
- The sensor would be installed on the back wall of the building and therefore be easy to access whilst being protected from vandals.
- Similar systems used in community buildings do not need to be re-calibrated on a regular basis.
- External units are regularly used on construction sites.

HDC Environmental Health Officer has made the following comments in response to the letter and information submitted by St Ives Town Council:

The noise limiter referred to are widely used in community halls to manage and control music but would not be used to manage construction noise. Noise monitoring is undoubtedly undertaken into all aspects of environmental noise, whether it be entertainment, construction or transport noise. The device referred to however is specifically designed to control music noise within venues. The overriding issue EH has with the proposal is the ability to set a level that relates to any potential disturbance at residences.

The noise limiter referred to is typical model used to control music noise at venues. It consists of a main unit which is linked into the electrical supply serving the amplification equipment and a microphone which is positioned at a given location within the venue. Because the location of the microphone is fixed and the attenuation provided by the building fabric is constant, there is a defined relationship between the noise level within the venue at the microphone position and the premises the noise limiter is designed to protect. As such, the noise limiter can be accurately set to cut the power to the amplification equipment when the level at the noise sensitive premises reaches the threshold of acceptability.

Noise limiters are widely used to manage and control music noise within venues. I personally am not aware of the use of such devices outside and for other applications. Obviously, in relation to the control of noise from a beer garden there is no power to cut and I am not aware of any device on the market that is designed for use outside. Most noise limiters work on a traffic light system with the colour of the light displayed representing the noise level at the microphone position. Notwithstanding the above, my main concern regarding the proposed use relates to the accuracy of the device in reporting the acceptability of noise at sensitive premises. Noise decays with distance at a rate of 6dB per doubling of distance and thus the measured noise at the microphone position will be 6dB and 12dB less for a noise source at 4m and 8m distance from the microphone compared with the same noise source at a distance of 2m. Presumably, the purpose of the noise limiter is to provide notification if the behaviour of a group of patrons is becoming loud and potentially disruptive such that action can be taken to remedy that behaviour. In applications of this nature, the noise level at the microphone position and thus any exceedance of a set level is likely to be influenced more by the location of the group within the beer garden rather than how noisy they are.

No matter what a noise limiter is designed to monitor, it will be heavily influenced by the noise produced in close proximity to the microphone and far less by any noise produced further away. In my opinion, good management of the beer garden will be more effective at resolving any antisocial noise issue than reliance on a noise limiter that is likely to report both false positives and negatives.

Item 4(b)

The proposed development is to divide the existing first floor flat into two separate dwellings consisting of a one bedroom apartment and a two bedroom apartment. It also includes a first floor extension over an existing ground floor extension. 210 Great North Road, Eaton Socon

7.13 – A completed UU form has been submitted (14.04.2016) and the proposed development therefore complies with the requirements of the Council's Planning Obligations Supplementary Planning Document 2011.

Revised recommendation:

8 – RECOMMENDATION - **APPROVAL** subject to conditions to include:

- Time limit
- In accordance with plans
- Materials
- Parking space to be laid out before first occupation of dwelling and retained in perpetuity and details of how parking will be prevented on the access road to be submitted

Item 4(c)

Rear single storey extension to create 1no. additional bedroom to be used for Home of Multiple Occupancy (HMO) purposes. Consent already granted for 5 bedrooms as HMO. 1 Princes Drive, Yaxley.

This application has been withdrawn by Mr Richard Balls (applicant). Confirmation received by email 15.04.2016.

Item 4(g)

CHANGE OF USE FROM VACANT OFFICES USED AS STORE TO VETERINARY SURGERY HUNTINGDON WYEVALL GARDEN CENTRE BANKS END WYTON PE28 2AA

The following should be added within Section 3. Planning Policies of the report, after paragraph 3.4

The Houghton & Wyton Neighbourhood Plan 2014-2036 (March 2015).
Policy HWNP17 – “Provision for the needs of new or expanded business”

The following paragraph should be included after paragraph 7.4 of the report:

The Houghton & Wyton Neighbourhood Plan 2014-2036 (March 2015).

The examiner's report outlines that subject to the modifications recommended the Neighbourhood Plan meets the required basic conditions. Resultantly, the plan can be attributed considerable weight determining this application. It is not considered that the proposal is at variance with the general thrust of the plan and as such accords with the overall aims of the plan, including those of policy HWNP17 – 'Provision for the needs of new or expanded businesses' that offers support for developing new businesses or expanding existing businesses provided they are appropriate to their rural setting, reflect as appropriate the character of the village and/or countryside within the parish and are not located in flood zones 2 or 3.

Yours sincerely

Andy Moffat
Head of Development