

PLANNING COMMITTEE
SUPPLEMENTARY INFORMATION
7th April 2022 - Update list

Agenda Item	Application number and Parish	Respondent	
1	20/02882/OUT Aiskew	Mr M Chaloner	<p>I wish to object to the Planning Application for 88 dwellings next to Blind Lane in Aiskew (Ref. 20/02882/OUT). The major problem with this application is the opening up of Bluebell Way (see Blind Lane photo) to act as the main entrance to the development. One of the reasons that many of the occupants of Bluebell Way purchased their home was to be in a quite little road with few cars. The Way is narrow and has a blind corner at its junction with Sycamore Avenue (see photo Bluebell Way corner) and not suitable for a heavy traffic load. Children tend to use its block end as play area out of the way of traffic Less harmful and obvious route to and from the development is to use an improved Blind Lane. Blind Lane is wider and an increase in traffic would affect fewer people. If in the future more development occurs and needs to us this entrance/exit this route would be even more able to deal with the traffic load.</p>
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3	20/02689/HYB Northallerton	Officer	<p>In order to ensure compliance with Local Plan Policies E3: The Natural Environment and E4: Green Infrastructure the following condition is recommended:</p> <p>Prior to commencement of the development hereby approved a biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. In accordance with current DEFRA guidance and relevant metric, the scheme shall demonstrate how the development will achieve a measurable net gain for biodiversity including on site provision for habitats. The scheme shall also demonstrate the protection of, and enhancement to, the green infrastructure corridor adjacent to the application site. The development shall thereafter be carried out in accordance with the approved scheme.</p> <p>Reason: In the interest of biodiversity and protecting and enhancing the green infrastructure network.</p>

		<p>WBA-SI-XX-DR-A-PL_001 Rev P12.</p> <p>A revised boundary treatment plan has also been submitted which reflects the layout changes. The drawing number in recommended condition 2 should therefor be updated to LEEMI-WBA-SI-XX-DR-A-PL_010 Rev P6.</p> <p>The Environmental Health officer has provided the following comments:</p> <p><i>I have now had opportunity to consider additional information submitted in support of the application. The principal concerns expressed below were that the scheme did not adequately demonstrate that suitable internal noise levels could be achieved, including consideration of the impact of and on RAF Leeming, or that adequate external amenity levels could be provided. The additional information does not fully address these concerns.</i></p> <p><i>With respect to internal noise levels I'm satisfied that appropriate consideration has now been given to the impact of road traffic, however it is not clear that the noise insulation contours for RAF Leeming have been addressed. It is clear that mitigation is necessary to secure satisfactory internal levels and the report identifies glazing and ventilation systems which aim to achieve those levels. When considering the glazing systems proposed it's noted that the suggested systems for those plots along Northallerton Road appear to provide less attenuation than those further into the site. As the properties along Northallerton Road are identified as likely to be exposed to the greater levels of noise this would require further explanation. However, neither of the glazing systems proposed for these properties provide the attenuation which the MOD noise amelioration scheme would require as a minimum.</i></p> <p><i>It should be noted that the MOD scheme is currently under review, however the amelioration scheme, if it were available, would offer as a minimum a double glazed system of at least 6.4L/12/10. This system is likely to have a sound reduction index of 40dB (Rw) whereas the proposed units 4/12/4 and 10/12/6 have Rw values of 31dB and 38dB respectively. Ensuring therefore that the properties have glazing specifications which meet those suggested by the MOD noise amelioration scheme should address this concern.</i></p> <p><i>With respect to external amenity areas the noise report seeks to suggest an appropriate target for external amenity areas should be 55dB based on DEFRA strategic road mapping levels. Environmental Health do not accept that the DEFRA noise action plan (2019) should be used to</i></p>
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			<p><i>justify higher than necessary noise levels. The purpose of the DEFRA noise action plan, which looks at urban areas of 100,000 population, is to focus decision makers on reducing harmful noise. It is perverse therefore to use the data to justify higher than necessary noise for Leeming Bar, population approximately 1,000. Coupled with the recent appeal decision (APP/G2713/W/21/3267694) at Leeming which addressed this issue it is clear that the target for external amenity areas should be 50dB.</i></p> <p><i>The applicant has adjusted layout and boundary treatments in an attempt to provide adequate external amenity levels and the latest noise report (Dragonfly Consulting DC3162-R1v5) now indicates that all properties will have amenity areas where levels are below 55dB, however only 44 (53%) will have levels below the target 50dB. It is also worth noting that the Site Noise Contour (Appendix D to the report) still shows plots 31 and 32 with levels above 55dB. Equally, it is not clear that the latest noise report includes all the amendments to boundary treatments shown in the boundary treatment plan (LEEMI-WBA-SI-XX-DR-A-PL_010-P5). I understand that a further Site Noise Contour cannot be produced to demonstrate the effect of these treatments. This is disappointing as it may have given members the confidence to know that more of the properties would achieve the target 50dB. Without it, or detail of the plots which exceed that target, some concern must remain that more improvement is possible.</i></p> <p><i>Should members be minded to grant planning permission, it is essential that conditions be attached specifying the standard of glazing and the layout and boundary treatment details identified in the boundary treatment plan detailed above.</i></p> <p>Prior to the above comments the applicant agreed to provide the requested minimum glazing specification and this is already covered under recommended condition 21. Recommended condition 2 includes the boundary treatment layout plan thus securing the provision of acoustic fencing.</p>
6	21/02937/FUL	Applicant's Agent	<p>The applicant would be happy to enter into a Section 106 agreement to put in place restrictions on the number and types of events that can take place on the site as set out in the suggested draft Heads of Terms below.</p> <p>Such an approach would give the Council considerable comfort and control over how the</p>

			<p>applicant can operate events at the site, over and above those provided by the permitted development rights, and fundamentally ensure that no commercial external music events can take place which it is understood is the main concern of local residents.</p> <p>As such, we would suggest that planning permission could be granted subject to the signing of a Section 106 agreement to control the following matters:</p> <ul style="list-style-type: none"> • The agreement of a noise management scheme • No commercial external music events to take place at the site • A scheme to agree the number of events that can take place in a calendar year <p>We would therefore be grateful if Members can be updated on this accordingly and also ensure that the legal opinion is also circulated.</p> <p>Please note Legal opinion provided by the applicant appended to this update.</p>
7	21/01452/OUT Huby	Agent	Application is withdrawn.
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11	21/02178/FUL Sandhutton	Additional Neighbour Comments	<p>An additional objection has been received by a local resident of which the following comments have been raised:</p> <ul style="list-style-type: none"> • The noise calculation within the submitted noise assessment is based on a static chipper being sited at 3.5 metres from the wall and remaining at that distance to be effective. Therefore this should be conditioned. • The existing planning permission on the site (planning reference 18/00825/FUL) states that chipping should not take place outside the hours of 8am and 6pm Monday to Friday and at

		<p>Officer Comments</p>	<p>no times on weekends or public holidays, therefore why has Saturday hours now been given?</p> <ul style="list-style-type: none"> • In respect of the recommendation that no chipping shall take place other than of biomass materials to be used within the biomass boilers upon the Skipton Old Airfield it is advised that this is on every application but is never enforced. <p>The Noise Report provided in support of the application states that it is proposed that a concrete barrier will be installed to screen the activities from the receptor locations so that the likelihood of adverse impact is reduced to “low”. The barrier would need to achieve 11dBA of attenuation. The octave band levels for the chipping plant measured and converted to sound power level will be used to estimate barrier performance.</p> <p>The concrete panel wall will be 5 metres in height. The effectiveness of a barrier of given height may be increased by bringing the diffracting edge nearer to the source of noise, thus increasing the path difference. The calculations are based on 3.5 metres from activities, the chipper may be closer to the barrier thus increasing potential effectiveness.</p> <p>Environmental Health have further reviewed the comments received and the noise report submitted and advised that when looking at the attenuation provided by the wall, the team placed the source a variety of distances from the wall and added penalties for impulsivities. They have advised that provided that the five metre concrete barrier is imperforate (it is confirmed that it is) and located on the southern and eastern boundaries as outlined in the report, the levels should not exceed existing background levels. It should therefore provide better attenuation than the 4.5 metre earth bund previously proposed.</p> <p>Therefore it is recommended that an additional condition be imposed to ensure that the chipper remains within 3.5 metres of the sound wall. A plan has been provided by the applicant to demonstrate this and this plan can be suitably conditioned to ensure that the chipper remains in this location to ensure full effectiveness of the wall. The potential for a post and rail fence has been raised with the applicant in order to define the line of 3.5 metres from the wall within the site. However the applicant has advised that erecting such a barrier would restrict movement and operation of the chipper.</p>
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		Additional and amended conditions	<p>In regard to the proposed operation on a Saturday it is advised that following discussions with the applicant it has been agreed that there will be no chipping on a Saturday and therefore it is proposed to amend the proposed operating hours condition accordingly.</p> <p>In respect of exporting of wood chip off site, this is again prevented by condition. This matter is currently being investigated by the planning enforcement team.</p> <p>It is recommended that condition five should be amended as follows:</p> <p>No wood chipping shall take place outside the hours of 08:00 and 17:00 Monday to Friday and at no time on Saturday, Sunday and Bank Holidays.</p> <p>It is recommended that a further condition should be imposed as follows:</p> <p>The mobile wood chipper shall only operate within 3.5 metres of the sound wall as shown within the amended plan submitted to Hambleton District Council on the 6 April 2022.</p> <p>Reason: To ensure that neighbouring residential amenity is protected from noise generated by the wood chipper in accordance with Policy E2 of Hambleton Local Plan.</p>
12	22/00035/REM West Tanfield	Officer Comment Conditions	<p>Note the applicant is Mulgrave Developments Limited not Wharfedale Homes as stated on the title sheet.</p> <p>The applicant has submitted information to address condition 3 (Highway surface water) and condition 6 (Construction Management Plan). NYCC Highways Authority have reviewed the information and found it to be acceptable. Amended conditions are recommended as follows to ensure the implementation of the approved measures.</p> <p>Condition 2 - The permission hereby granted shall not be undertaken other than in complete accordance with the location plan refs:</p> <p style="padding-left: 40px;">1238.05 B Proposed site layout 1238.06 A Proposed streetscene 1238.15 Double garage - proposed plans and elevations</p>

			<p>1238.16 A Quad garage - proposed plans and elevations 1238.17 Enclosure 01 1238.18 Enclosure 02 1238.19 Enclosure 03 1238.20 Plot 1 proposed plans 1238.21 Plot 1 proposed elevations 1238.22 Plot 2 proposed plans 1238.23 Plot 2 proposed elevations 1238.24 Plot 3 proposed plans 1238.25 Plot 3 proposed elevations 1238.26 Plot 4 proposed plans 1238.27 Plot 4 proposed elevations 1238.28 Plot 5 proposed plans</p> <p>as received by the Local Planning Authority on 22 March 2022 unless otherwise approved in writing by the Local Planning Authority and</p> <p>NOST-AWP-ZZ-XX-DR-C-3001 Rev P2 Proposed Drainage Layout Construction Environmental Management Plan</p> <p>as received by the Local Planning Authority on 30 March 2022 unless otherwise approved in writing by the Local Planning Authority</p> <p>1238.29 A Plot 5 proposed elevations</p> <p>as received by the Local Planning Authority on 06 April 2022 unless otherwise approved in writing by the Local Planning Authority</p> <p>Condition 3 - There shall be no access or egress by any vehicles between the highway and the application site until measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway have been implemented in accordance with the approved details and programme set out on plan NOST-AWP-ZZ-XX-DR-C-3001 Rev P2 and</p>
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			<p>in the Construction Environmental Management Plan.</p> <p>Condition 6 - Construction of the permitted development must be undertaken in accordance with the approved Construction Environmental Management Plan as received by the Local Planning Authority on 30 March 2022.</p>
13	22/00129/OUT Carlton Miniott	<p>Parish Council specific comments</p> <p>Agents comments</p>	<p>In relation to highway safety concerns the parish council are specifically concerned that it will increase the already unacceptable conditions regarding parking at the school.</p> <p>The agent has provided additional information regarding site levels and drainage as per the details below.</p> <p>Access Levels</p> <p>The level difference is no different from the scheme adjacent built by Broadacres, so would be similar. We would anticipate the access entrance from Carlton Road to fall into site. Given that an access should be at 1:40 gradient for the first 10 metres this would make the access road around 300mm higher than the existing ground levels.</p> <p>The applicant is proposing that the site access be provided at a suitably acceptable gradient to NYCC Highways to form the private drive to Carlton Road. This is to be controlled by a suitably worded condition requiring all access designs to be reviewed and approved by the LHA prior to any access works taking place on site. I note such a condition is proposed.</p> <p>3) MHC-09 Details of Access, Turning and Parking There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> · vehicular and pedestrian accesses; · vehicular parking;

		<p>- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.</p> <p>Drainage</p> <p>The conclusions on drainage are reached by AMA in the drainage strategy. This stated:</p> <p>“As with any drainage system, blockages within the surface water sewer systems constructed to serve the development has the potential to cause flooding or disruption. Any drainage systems which are not to be offered for adoption to either the Water Company or the Local Authority will have a suitable maintenance regime scheduled and an appropriate management company appointed to carry out the works.</p> <p>10.1.3 The primary option for surface water disposal is to discharge surface water into the drainage ditch towards the north of the site, following the SuDS hierarchy.</p> <p>10.1.4 Surface water disposal through infiltration will be required to be investigated through a BRE 365 infiltration test on site to confirm the ground conditions would not support infiltration.</p> <p>10.1.5 There is not a suitable public sewer in the vicinity of the site which could be utilised to dispose of the surface water as YW has stated that the sewers do not have capacity.</p> <p>10.1.6 Attenuation should be required as the means of surface water discharge into the local drainage ditch.</p> <p>10.1.7 A discharge limit has been agreed with the IDB for a discharge rate of 0.7l/s.</p> <p>10.1.8 There is a formal point of connection into a YW public foul water sewer in close proximity to the site. Foul water domestic waste can discharge to the 150 mm diameter public foul sewer recorded in Carlton Road, at a point to the south of the site.”</p> <p>The surface water for the developed areas will be positively drained, attenuated and discharged at a minimal discharge rate. The scheme does not account for improving any off site issues but does ensure that the area developed does not worsen the area and improves the area developed.</p>
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			<p><i> dwellings. Those dwellings are clearly and visibly present when viewed from along the A61'. The inspector concluded that 'For the reasons I have set out, I do not share the Council's view as to the extent to which openness would be harmed. Although Carlton Miniott is one village, albeit with two distinct development limit boundaries, I see no reason why the IPGN's aims of avoiding the coalescence of settlements should not apply to a settlement of Carlton Miniott's nature. However, for the reasons that I have set out, I am satisfied that the proposal would not result in the coalescence of settlements or, as in this case, coalescence of two distinct parts of the same settlement'.</i></p> <p>It should be noted that the appeal site to the south side of Carlton Road, which was allowed in February 2020 extends much further to the east than the application site into the gap between the two halves of the settlement and that the development limits extend the full extent of the application site on the southern side of Carlton Road. Therefore, it is the officers view that permitting this application for the four dwellings would not lead to the coalescence of the two halves of the settlement as extending the built form on the north side of Carlton Road would not substantially alter the visual experience when travelling between the two parts of the settlement. Space would still remain and further space would remain given the imposition of the condition requiring the proposed open space/landscaping area shown on the submitted illustrative plan to be situated to the eastern side of the site rather than the western side.</p> <p>With regard to the site to the west which was permitted in 2019 (ref: 18/02084/FUL), the applicant in this case was an affordable housing provider and as such the site was brought forward and considered as a rural exception site. It was considered acceptable outside of the settlement as it was considered compliant with Policy CP4 and CP9A in that it provided for 100% affordable housing which met an identified local need. The application was not considered under the council's IPG policy which was relevant at that time. The site is now constructed and is part of the built environment and it is appropriate that this application be considered against the new Local Plan Policies of S3 and HG5.</p>
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30 March 2022

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Steven Longstaff
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Dear Steven

Re: Land at Strawberry Fields, Pannierman Lane, Great Ayton

1. Introduction

1.1 Thank you for instructing us in this matter. I am asked to advise Andrew Platts, Managing Director of Roseberry View which is a caravan park located on Land at Strawberry Fields, Pannierman Lane, Great Ayton ("the site"). I have had no previous involvement with the site but enjoyed the benefit of a site visit on 17th March 2022.

1.2 Pursuant to planning permission reference number 20/00937/FUL, the site enjoys consent for the stationing of holiday caravans. The use of the site for the stationing of caravans was established by the following two planning permissions:

1. Construction of 10 no. holiday lodges, recreational pond and internal road layout as amended by the plan received by Hambleton District Council on 27/01/2017
Strawberry Fields Pannierman Lane Great Ayton North Yorkshire TS9 6PP

Ref. No: 16/01915/FUL | Received: Tue 23 Aug 2016 | Validated: Wed 28 Sep 2016 | Status: Decided (Granted)

2. Siting of 6no. holiday lodges, and 2no. Solardome pods; and the extending of the internal access drive
Strawberry Fields Pannierman Lane Great Ayton North Yorkshire TS9 6PP

Ref. No: 20/00937/FUL | Received: Tue 12 May 2020 | Validated: Tue 12 May 2020 | Status: Decided (Granted)

1.3 I am aware that planning permission for the following development was refused permission:

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3. Change of use of land for the siting of a modular building club house (to be used as a facility by lodge park guests, as well as for weddings and private functions), alterations to siting and appearance of siting and appearance of approved lodges, new car parking area and retrospective formation of tiered outdoor seating, outdoor beach area, cinema screen, wedding pergola, internal roads, and all other hard and soft landscaping and associated works - as amended by Hambleton District Council 04.10.2021
Strawberry Fields Pannierman Lane Great Ayton Middlesbrough North Yorkshire TS9 6PP

Ref. No: 21/01370/FUL | Received: Fri 14 May 2021 | Validated: Fri 14 May 2021 | Status: Decided (Refused)

- 1.4 I am also aware of a current application which is awaiting determination:

4. Alterations to siting and appearance of approved lodges and car parking area, construction of outdoor seating, outdoor beach area, cinema screen and pergola. Internal road layout and all other hard and soft landscaping and associated works. Open for comment icon
Strawberry Fields Pannierman Lane Great Ayton Middlesbrough North Yorkshire TS9 6PP

Ref. No: 21/02937/FUL | Received: Thu 09 Dec 2021 | Validated: Thu 09 Dec 2021 | Status: Awaiting decision

- 1.5 I have been shown a copy of a letter dated 16th February 2022 from Helen Ledger, Planning Officer at Hambleton Council in which she makes a number of points about the current application which include the following:

- (1) There are aspects of the current application which have in effect enacted a change of use on the site by virtue of their nature. In particular, the feature pertaining to the use of the site as a destination events venue would include the tiered seating, pergola or bandstand, wedding archway and cinema screen in conjunction with the tiered seating
- (2) Conceivably the beach areas could be considered incidental to the use of the site as a lodge park but events paraphernalia such as DJ Booth, does not. These features are considered in their primacy to be used for the holding of external events rather than the use of the site solely as a holiday lodge park
- (3) For the purposes of permitted development rights, it is the position of the Council that the time period of 28 days, allowed by legislation, begins when any structures associated with the temporary change of use are in position. In this case, these would be the features outlined above which have been in position since the initial officer site visit on 16th June 2021 made in connection with the previous planning application 21/01370/FUL. On this basis the Council considers that the permitted development time period has already expired for 2022.

I have been asked to provide my professional advice on the contents of this letter and to advise on steps going forward.

2. Advice

2.1 In my view, the Council's view is misconceived for the following reasons:

- (1) The planning unit is to be taken as a whole and it has planning permission for the stationing of caravans. Having been to site, I do not accept that the (1) tiered seating (2) pergola (3) archway and (4) cinema screen have effected any change of use in the site. Nor have they introduced any sort of mixed use. It is not unusual to have a small scale events space on a holiday caravan park for internal functions, activities and get-togethers. The pergola is a landscaping feature which I see as a central point of focus on numerous caravan sites. The archway is simply a designated walkway (and should not be described as a "wedding archway"). The cinema screen does not comprise development at all. I take the view that the features are entirely ancillary, part and parcel of a holiday caravan park. I am very confident that a Planning Inspector would fine the same.
- (2) The Council is also wrong to suggest that the time period of 28 days for temporary change of use begins when any structures associated with such temporary change of use are in position and has already expired for 2022. That may well be true if structures required to facilitate an event were purposefully brought on to land. The language of Part B is quite clear; it refers to the "provision on the land of any moveable structure for the purposes of the permitted use" A good example might be a pop or rock festival with the erection of a stage. However, in this case, the elements mentioned are in place. Given their construction and small size, my view is that they do not require planning permission at all. Even if they do, such structures are not moveable structures which have been brought on to the land for the specifically purpose of facilitating a temporary change of use to hosting external events. They are part and parcel of the holiday caravan park. I note that no decided case law is referenced by the Council to support its position. Again, I am quite confident that a Planning Inspector and if it became necessary, the High Court would agree with my view.
- (3) Accordingly, my clear advice is that Mr. Platts benefits from the rights available to him contained in Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which provides as follows

Permitted development

B. The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

(b) motor car and motorcycle racing including trials of speed, and practising for these activities,

and the provision on the land of any moveable structure for the purposes of the permitted use.

Development not permitted

B.1 Development is not permitted by Class B if—

(a) it would consist of development of a kind described in Class E of this Part (temporary use of land for film-making);

(b) the land in question is a building or is within the curtilage of a building;

(c) the use of the land is for a caravan site;

(d) the land is, or is within, a site of special scientific interest and the use of the land is for—

(i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;

(ii) clay pigeon shooting; or

(iii) any war game, or

(e) the use of the land is for the display of an advertisement.

(4) In my view, Mr. Platts would be able to operate outward facing, commercial events (including weddings) on the site, subject to obtaining all other necessary licences and permits for up to 28 days. That would represent a temporary *use* of the land of the sort countenanced by the Council

3. Concluding remarks

3.1 Having seen the site and spoken with Mr. Platts, I think it worth saying that he has created a high quality addition to the local tourist offer which should be applauded. It is modern, high-end caravan park which will inject much need tourist spending in local facilities and attractions.

3.2 I am aware that Mr. Platts wants to work with the Council and understands concerns about events, particularly those relating to noise. My view is that it would be in everyone's interests to see a regularised position on the site with proper, long term and enforceable planning solutions. I suspect that a well-designed, proportionate building in the centre of the site which could be used for multiple purposes, including weddings will prove to be the best way forward. Co-operation between Mr. Platts and the Council in working up an appropriate, high quality design will be key.

3.3 In the shorter term, I am aware that Mr. Platts has four weddings reserved for August. I understand that these are the only weddings reserved for this year. Weddings are huge events in the personal lives of people and uncertainty has to be avoided at all costs. I would hope that the Council would be sympathetic to this and based on the above will undertake not to take any enforcement action in an attempt to prevent them from taking place. The obvious concern would be noise levels but these can be controlled through the events licence in the normal way.

- 3.4 Having spoken to Mr. Platts, he has no intention of running noisier musical events such as outside DJ parties and he would be prepared to bind the land going forward, either by way of planning condition or legal obligation not to do the same. This would provide sufficient safeguards to the Council regarding noise spillage and potential impacts on local residents.
- 3.5 Overall, the site is a positive addition to tourism in the local area and should be supported. I am confident that with a positive attitude on both sides, a long term, satisfactory planning solution can be found in the public interest.
- 3.6 I trust that this is sufficient for present purposes. As always, do not hesitate to contact me in the office if you wish to discuss anything further.

Yours sincerely

David Hardy (Barrister)

On behalf of

Squire Patton Boggs

Squire Patton Boggs (UK) LLP