

CIRCULATED PRIOR  
TO THE MEETING



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
20 SEPTEMBER 2023**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 5**

<b>Application Number</b>	22/01176/FUL
<b>Location</b>	Crouch Ridge Vineyard, Fambridge Road, Althorne, CM3 6BZ
<b>Proposal</b>	Section 73a application for a barn to be used as a visitors centre, tasting room, café and shop with associated operational development which includes an area of decking, two covered areas, extractor and air conditioning units, a gas tank, container and enlarged car park.
<b>Applicant</b>	Mr and Mrs R Lonergan – Crouch Ridge Estates
<b>Agent</b>	Mr Mark Jackson
<b>Target Decision Date</b>	29 September 2023 (EOT agreed)
<b>Case Officer</b>	Lisa Greenwood
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in by Councillor R G Boyce MBE, based on Policies E4 and E5 of the LDP (2017).

**Members are to be made aware of the following:**

**Residential Amenity - Noise**

- An email has been received from HA Acoustics, with regard to amplified music to be played during internal events and amplified music played in external areas. The comments have been reviewed by the Council's Environmental Health Officer, who notes that the applicant wishes to use an electronic noise limiter and their own permanently installed speakers, as opposed to an amplified musician's portable speakers. This is to attempt to control the noise levels at source, rather than rely on building fabric upgrades. The Officer notes, however, that if the building is not acoustically sound, the level may have to be set so low that the quality of the sound is compromised, and this does not appear to be a reasonable solution.
- The Consultant also makes the assumption that doors will remain closed, but there is potential for audibility of music to still occur during lulls in background music when doors are opened. However, the Officer notes that an analysis of the spectral data of the events and background also indicates that it could be possible for low frequency noise to be audible, and this is therefore incorrect.
- With regard to noise in external areas, the Consultant asserts that the Council had undertaken noise monitoring of outdoor events and did not deem a statutory noise nuisance had occurred. As far as the Officer is aware, however, the department has not undertaken any noise monitoring of outdoor events and internal entertainment only has been discussed.
- It is the Council's duty to protect residential amenity. The Consultant has not made it clear how amplified entertainment will be controlled. The Consultant discusses temporary events that are in addition to the shop, tasting room and café, with longer

hours between 10am and 11pm. The Local Planning Authority has no information regarding what these events might entail, the type of music to be played and where on the application site they will be set up. Therefore, in the spirit of the National Planning Policy Framework (2023), should planning permission be forthcoming, the condition proposed by the Officer with regard to external music is required.

### **Consultee Responses**

- The agent for the applicant has contacted the Local Planning Authority to state that a consultee response is missing from the Officer's report. This relates to a response received from a previous Council Strategy Lead at Maldon District Council. Comments from the Lead are addressed at Paragraph 5.6.5.1 of the Officer's report, where it is noted that comments were made outside of the planning application process for this application and were actually submitted directly to the Local Planning Authority by the applicant, as part of the original submission. These comments are found at appendix d of the applicant's submission. The comments are dated 7<sup>th</sup> October 2022, which is before the application was submitted to the Local Planning Authority for consideration. Comments were also received by the Local Planning Authority on 7<sup>th</sup> March 2023 and have not been included in the report but are visible on the Council's website. The Officer discusses the reasons for refusal of the last application at the site, 21/00929/FUL, which is outside of the Officer's area of expertise and not relevant. The Officer supports the proposal.

### **Parking Requirement**

- The agent for the applicant has also raised the matter of the parking requirement for the site, stating that the Local Planning Authority has referred to the 'footprint' of the building, and that the Council's Vehicle Parking Standards Supplementary Planning Document (2018) refers to gross external floor space. Members are referred to Paragraph 5.4.6 of the Officer's report, which correctly refers to the requirement of one space required per 5m<sup>2</sup> of gross floor area for use class A3 (now E (b)) and the parking requirement is based on this. The Gross Floor Area is calculated as the sum of floor space including storage areas etc.