

For the Attention of Benn Watkinson

Planning Office
Solihull MBC

By email only: bwatkinson@solihull.gov.uk

7 August 2023

PL/2023/01031/PPFL | Erection of a triple combined Tepee tent for use by adults with learning disabilities and for weddings and hospitality events, as part of the small business work stream at Newlands Bishop Farm | Newlands Bishop Farm Berry Hall Lane Catherine De Barnes Solihull B91 2RY

Following a meeting with the residents neighbouring the NB site and having considered the new documents lodged on the planning portal relating to this application, we submit the following response to the above application.

We note the use of the tepee has been amended to include its use for weddings and other hospitality events. In addition, we also note that further documents were posted on the planning portal on the 4 July many of have some impact on our response to the original version of the application - hence this further response.

As you are aware there was an application for erection of this tepee in 2020 (PL2020/02784/PPFL) when it was originally erected, and which has given rise to numerous noise and anti-social issues during the summer months of 2020/21 when events are being held. (There had been previous longstanding issues extending over several years of this nature from a previous smaller tepee which had been erected without planning permission). We understand that SMBC have received numerous complaints regarding these issues since the tepee has been in place and used for various type of musical event.

This application was subsequently withdrawn in September 2022 although the tepee has remained in place and used from the date of the original application in 2020. So, this is retrospective application.

We wish to make the following observations/comments concerning the revised application; -

- 1) We understand that not all residents adjacent to the application site have been notified of the new amended application and therefore may not be able to make a further response.
- 2) We note that included in the new application information are 2 noise assessments which contain data relating to noise levels taken on the site over a period and several recommendations to the applicant to aid the applicant to mitigate against noise complaints.

Regarding the assessment document prepared by **Sustainable Acoustics**. We have some queries concerning the conditions that were existing at the time the survey was carried out i.e., Wednesday 25/5 to Monday 30 May. The data in Table 1 page 6 of the document specifies the times of the day the data relates to but does not specify what type of activity were operation on the site at the time – **were there any events being held on the site at the time – if so what type of events were being held - recorded music, wedding reception, disco?**

Hampton-in-Arden Parish Council

Re Table 1 page 6_The upper limit of maximum noise level of 80 dBL in the evening section of the table leads one to conclude that no musical event was being held on the 28 May (if readings were taken that day) shows the maximum dBL figures of 92 (daytime) we suggest would be more in line with what would be expected. This is confirmed further on in the document (para 4 Page 9) where it says, “The result is a feasible MNL source at level of 94 dB(A) when measured in the middle of the dancefloor in the venue”.

Assessments should be carried out under the conditions that are expected to occur during the anticipated events and any conclusions reached from assessments not undertaken in this manner should be treated with some scepticism.

On page 10 of the document, it is recommended that live bands must play through the Zone Array, and that they may only use electronic drum kits. The question arises - what is the situation when live bands are performing using brass or other types of instrument/s that can't go through the limiter but accompany the digital instruments, which we assume are not able to be fed through any limiter, but will contribute to additional noise nuisance? As can be seen from the videos on their website not all music (live guitar playing) is played through the noise limiter.

Page 12 Par 7 refers to Noise Mitigation Measures and para 7.1 includes 9 measures which should be adopted in a Noise Management Plan detailing management procedure relating to noise. We note that no such plan accompanies this application although we have had sight of an undated copy of a Newlands Bishop Farm Terms and Conditions accompanied by a fact sheet for entitled Clients and Entertainment Personnel which refers to some (not all) of the recommendations but cannot be accepted as the Noise Management Plan recommended to be put in place. Any approval should be conditional on such a Plan being put in place together with details of how it will be monitored.

We would also refer you to the Guidance: Code of |practice on Environmental Nise Control at Concerts.

We note that the response in June from SMBC Policy & Engagement stated that “Amenity (SLP P14) will also be an important issue for consideration through the development Management process, and we suggest that a more detailed survey noise assessment survey should be undertaken which would include taking readings at typical live musical/wedding events to arrive at more relevant noise data. Based on feedback from residents we remain concerned that as things stand now the application **fails** to meet Policy P14. Because the facility gives rise to unacceptable noise and anti-social behaviour nuisance

- 3) We would ask you to bear in mind that noise does not just arise from the tepee itself as attendees are encouraged roam through the site when attending an event. With bars on site, this in conjunction with the type of event, leads to quite lively activity at other parts of the site which has caused nuisance in the past and continues today. There is some debate as to how the current mitigation system that has been installed is managed, as residents insist that they still experience noise issues etc impacting on the enjoyment. We do recognise that efforts have been made to try and mitigate but believe it would be prudent to have some visible evidence on the levels that the limiter is set to aid transparency. The other question remains – are there

Hampton-in-Arden Parish Council

- any additional directional speakers used on site not linked to the limiter – in the outside bar area for instance?
- 4) No mention is made anywhere of any noise impact assessment concerning possible impact on the animals that are kept on the site and feel some assessment should be made to ensure the musical events held do not have a negative impact on their welfare. We do have concerns that this type of activity especially during the evenings will have an impact on local wildlife which would not have been the case prior to the tepees use as wedding celebration venue.
 - 5) The application is in Green Belt and is subject to SLP Policy P17 Countryside and Green Belt. Para 5.10 of the Planning Statement points out the main issues concerning development in the Green Belt advising that Very Special Circumstances would be necessary to justify such development. The applicant accepts that the tepee causes harm to the openness of the Green Belt particularly where it is located, and that substantial weight should be given to that harm. (Para 5.14 Planning Statement) and accepts in para 5.21 that there will be limited encroachment into the countryside which would cause minor additional harm. Obviously, this harm must be weighed against the very special circumstances (VSC's) put forward in Par 5.26 We appreciate that previous applications have been approved using these same VSC's but put to you that this application although in part relates to the prime aim of this organisation does give rise to areas of concern as mentioned above, which were not applicable on other occasions.
 - 6) We note that a previous application PL/2020/01785 was recently approved for a 2 storey brick building to provide canteen, kitchen and training facilities and ask you to give some consideration that this new facility might provide facilities for the project workers as outlined in para 4.2/4.3 of the Planning Statement that the tepee does now.- potentially rendering the sole use of the tepee going forward as a commercial event venue.
 - 7) We have no doubt that the tepee is being used for the day-to-day operations of the organisation involving some of the project workers, but we consider its main function is to provide facilities for musical and other similar events which have given rise to resident amenity being impacted. If it was used solely for the normal day to day purposes of the organisation, we are confident there would be no issues relating to the nuisances raised.

If you feel able to recommend approval, we request that conditions are attached to any approval dealing with the issues mentioned above, and the necessary further assessments being done to ensure the correct level of mitigation are in place. In addition, we would also request that Para 4 of the determination notice for planning application PL 2020/01785/PPFL be included in any decision notice for this application i.e. *The use hereby permitted shall be carried on only by the Family Care Trust at Newlands Bishop Farm. The permission is only granted because of the circumstances of the applicant.*

HAMPTON IN ARDEN PARISH COUNCIL

Hampton-in-Arden Parish Council