

## **Notes of Public Meeting held at Occold Village Hall, Monday 28<sup>th</sup> June 2010 7.30pm.**

**Present:** Suffolk County Councillor/District County Councillor Andrew Stringer ( Chairperson), Phil Isbell, Mid Suffolk District Council ( MSDC) Professional Lead Planning Officer , Sue Herne, MSDC Area Environmental Health Officer , Robert Richardson , Chairperson of Occold Recreational & Amenities Council (ORAC) and in excess of 100 members of the public.

Notes taken by Sharon Jones, Clerk to Mendlesham Parish Council.

**Welcome:** Cllr Stringer welcomed all to the meeting and thanked the Officers from Mid Suffolk District Council for attending. Cllr Stringer advised that by the end of this meeting, he hoped it would be clear how the present situation with regard to the village hall had arisen whereby ORAC had reached the point where it had been unable to honour bookings for certain events following receipt of a noise abatement notice served by MSDC Environmental Health. Cllr Stringer also hoped that a clear direction with regard to a solution would also be available at the end of the meeting.

**Planning history:** Mr Isbell reported that the current planning permission granted for the hall had been in March 2006. This had been further to an original application in 1997 and a subsequent revision in 2002.

The 2006 permission included conditions which included requirements for landscaping and double glazing plus limitations on noise based on technical advice from his colleagues.

Conditions for this application were based on consideration for residential amenity with an aim to ensure a consistent approach for all village halls within the district.

Members of the public then asked questions and Mr Isbell answered accordingly:

Q. What is the noise level?

A. Planning condition no 8, is that noise emitted should not exceed 42dB<sub>L</sub>aeq 30 minutes between 08.00 and 21.00 hours and 38 dB<sub>L</sub>aeq 5 minutes at any other time.

Q. Had these limits changed?

A. The 2002 planning decision had referred to levels of 42 and 40 respectively.

Q. Had there been any objections regarding the positioning of the site near to residential property.

A. 4 Letters of comment had been received at the last application.

Q Where were noise levels taken from?

A. The boundary of the property.

There was then discussion and comment regarding what the noise level restrictions meant . A monitor was available and read 42.8 when the meeting was completely quiet and 68-70 whilst discussion was taking Place. Concern was raised that the regulations were unenforceable, although it was appreciated that the readings were taken within the hall rather than on the most sensitive point on the boundary of property. After question, Mr Isbell confirmed that events located outside on the playingfields did not fall within the planning conditions.

Questions were asked about why planning permission had been granted with a restriction that meant the building could not be used for its purpose and how one or a few complainants could stop something required by the majority.

Mr Isbell explained that when granting planning permission, legislation encouraged a decision to be granted with conditions rather than a refusal, the need for policies to be fair and consistent and whether complaints were received or not, planning officers were obliged to take a common broad view so could potentially take one view over that of the majority.

Cllr Stringer reported that there was a need for a common sense approach and there was the availability of applying for an amendment to a condition if the original condition was found to be harsh or unfair.

Mr Richardson reported that he had checked the details of the noise limits on the planning portal and the 1996 outline permission granted had had 40/42. When ORAC had asked for definitions of the boundary, it had been advised that it was the extent of the site as per the red line on the application ie the field boundary. He also reported that he had asked about how the criteria on which the levels of noise restrictions had been set, but had not received any details.

### **Environmental Health:**

Sue Herne reported that she was unable to answer any questions about any noise readings taken at the time of the planning application as details were not available. She explained that measurements would have been taken during both the day and night to establish a background noise reading. Any levels in excess of 5 decibels above the background noise generally meant a loss of amenity with levels in excess of 10 decibels being deemed a nuisance. Limits were normally set 5-8 decibels above the background noise. Day readings were from 7am-10pm with night readings between 11pm and 7am, normally 2-4am being good times to take a reading.

A member of the public commented that Occold was completely silent at 2am although at 3am noise levels would change due to the dawn chorus!

Sue reported that complaints for the new building had first been received in January 2010 commencing with a faulty intruder alarm, then the Memorial Day and then discos. There had been no complaints for any other activities at the Hall. Sue reported that when visiting at 10-10.30pm, on the evening of a disco, whilst in a complainant's property, she had heard every word of a particular song which she deemed as a nuisance to the resident before taking out monitoring equipment. Sue also explained that the time of day did not matter, every one were different and that different noise levels would affect people differently with different levels affecting enjoyment of a persons life.

Questions were then asked about how the residents could know if a particular event would cause a problem and what could preventatively be done if all types of events were held, particularly if there was a risk of further complaints, from a minority when the majority supported use of the hall for these events.

It was explained that the building could be modified to reduce noise emission and this would not have been something Building Control would have had to consider when approving the building.

The statutory duty of Environmental Health to respond to complaints plus the right of any individual to take action via the legal system was also explained.

There were comments regarding the absence of any complainant attending the meeting, the need to challenge legislation and examples discussed where possible action would or not be taken by Environmental Health.

Cllr Stringer emphasised that the Officers were trying to work out a solution to this matter and that whilst the licence replicated most of the planning permission, again an application could be made to amend the licence. However, if Environmental Health received a complaint it had to act and any complainant always had the choice to take Court action.

**ORAC:**

Mr Richardson reported that the committee were working towards dealing with the noise levels. Communication was now taking place with MSDC to resolve the matter. An appeal had been made against the noise abatement notice with the committee wanting to be fair and reasonable and find the best practical means of resolving this issue.

He explained the history covering the work of the volunteer committee since 1995 before finally being able to build in 2008, including different previous locations which for differing reasons had been unacceptable. Consultations during the process had been extensive and had produced no objections against the current building and its purpose.

Presently the building was still subject to a Design and Build contract. There were a number of snagging matters to be resolved, including work for the extractor fans which were probably currently adding to the noise levels. It was also clear that there could be some addition of soft furnishings and sound proofing work done (est cost £5600) which would reduce noise levels. However at present the Committee could not touch the building whilst the snagging work was resolved. £15,000 was being retained until this was resolved .

Since the notice had been served, the committee had no choice in the meanwhile but to cancel any potential noisy events, pending appeal and any ability to carry out improvements to the building.

**Conclusion:**

Cllr Stringer read out letters of support received from those unable to attend the meeting.

Cllr Stringer stated that there had now been an exchange of information and everyone knew the ORACS, the Parish views and the statutory bodies' position- where to go from here?

After discussion it was noted that there were the following possibilities:

- Building construction/improvement solutions to achieve a reasonable and practicable outcome.
- The outcome of the appeal against the noise abatement order.
- Applications to vary the conditions of planning and licence.
- Review background noise levels.
- Council Officers now aware of detail of matter and willing to help resolve and manage situation.
- ORAC committed to resolving matter.

