

**Parish: Skutterskelfe**  
Ward: Hutton Rudby  
**9**

Committee date: 13 December 2018  
Officer dealing: Mr Sean Rawling  
Target date: 29 October 2018

**18/01008/MRC**

**Application for variation of conditions 6, 7, 10, 11, 15, 16 and 18 and removal of condition 12 (location of events within the grounds of the Hall) to previously approved application 15/00961/MRC  
At Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN  
For Mr Michael Hepburn**

**This application is referred to Planning Committee at the request of a Member of the Council**

## **1.0 Background**

- 1.1 The application was considered by Planning Committee on 18 October 2018 where Members requested additional information to be provided in respect of (i) impact of food preparation; (ii) Impact of the generator noise; and (iii) adequacy of the kitchen for food preparation. The applicant provided further information on these matters, set out in paragraphs 1.5 to 1.11.
- 1.2 The application was deferred a second time at the November meeting for the submission of information regarding complaints about the operation of the site and the submission of an acoustic survey to demonstrate the impact of the proposals on neighbouring residential properties.
- 1.3 The Council's Environmental Health Team has confirmed that there have been complaints about the operation of the site. The Environmental Health team investigated these matters and found no requirement for further action. Complaints have also been made to the Planning Enforcement Team which resulted in no formal action.
- 1.4 In considering the application at the November Committee, Members were concerned that the proposed amendments to the conditions would result in a loss of amenity to the occupiers of nearby homes owing to the closer proximity of the proposed "smaller" events to the neighbouring residential properties and requested that an acoustic survey be undertaken to assess the impacts of the proposed amendments. A survey has not been undertaken and the applicant's agent has provided the following statement.
  - We understand concerns were raised by Members at the previous planning committee (November 2018) regarding potential adverse impacts of noise from the proposed additional 10no. small external events a year (for up to 40no. people) under the current application. Whilst assurances were provided at Planning Committee that the Council's Planning and Environmental Health Officers were satisfied that the proposals were acceptable and would not have an unacceptable impact, Members have requested an acoustic assessment which considers the potential impacts of these additional events. Therefore, whilst Members raised no concerns with two aspects of the proposals at the November 2018 committee (use of agreed specification of generator in conjunction with the marquee and the proposed amendments to use of the kitchen), our client understands that concerns surrounding the additional external events resulted in deferral of the application.
  - Our client is currently able to hold up to 8no. events per year for up to 150no. people within the grounds of Rudby Hall albeit these must be located within the marquee.

This current arrangement means that visitors to the Hall are unable to enjoy some of the other grounds surrounding the Hall and, the requirement to hire and use a marquee is often off-putting (particularly for small groups) given the additional cost associated with it. Through varying the consent, our client is seeking permission to allow for up to a maximum of another 10no. events per year for up to a maximum of 40no. people within the grounds of Rudby Hall. These events will remain subject to strict planning controls in terms of location, quantity, timing and format. They will be located only within the sunken lawn area – an area much closer to the hall than the consented marquee, be incidental to use of the Hall, be held only between 12noon and 8pm (including clean-up) and, allow use of a gazebo of up to 18sqm. The proposals do not affect the timing, location or quantity of the 150no. person events currently consented albeit the requirement for them to be held within a marquee is removed.

- Our client has engaged extensively with Council Officers to ensure the proposals are acceptable. The format, type, location and timing of the additional proposed 10no. events have been specifically selected to ensure minimal impact on the amenity of surrounding residents and the Council's own Environmental Health Department have confirmed they consider the proposals to be acceptable.
- In the context of the above, we do not consider an Acoustic Assessment necessary for this application and one has not been undertaken at this time. Notwithstanding this, our client has confirmed that they are open to discussions with the committee on amendments to conditions which specifically relate to the additional proposed events (i.e. the amends specifically related to conditions 10, 11, 12, 16 and 18) should the Committee determine that, notwithstanding the position as set out above, an Acoustic Assessment is still required.

#### Impact of food preparation

- 1.5 The kitchen facilities have a state of the art extraction system, which was installed prior to the premises being brought into use as a hotel. The extraction system was specifically designed to mitigate the odours emitted during use of the kitchen facilities and to mitigate noise emissions, which are silent at the nearest site boundary of the premises. This system and associated control measures have previously been approved by the authority under early permissions and there are no proposals to alter this system.
- 1.6 Rudby Hall's kitchen walls are two feet thick, which mitigates noise emitted from the kitchen facilities during their use. The owners currently cater for up to 35 guests without any complaints having been received.
- 1.7 It is considered that food can be prepared on site without resulting in a detrimental impact upon the amenity of neighbouring properties in terms of noise and odours.

#### Noise from generator used in conjunction with the marquee

- 1.8 The current application has previously stated that the generator will not exceed 63dBA at 7m from its location. The generator is supplied by the same company which supply the marquee and is designed to be used for outdoor events without causing unacceptable levels of noise. The generator sits alongside the marquee, and is designed not to disturb guests dining a short distance away.
- 1.9 It is noted that this generator has been used in conjunction with the marquee with approval on an ad-hoc basis. This application seeks to simply remove the requirement for the applicant to seek consent before every use of the marquee.

Furthermore, the use of the marquee is regulated by other conditions which serve to mitigate against impact on neighbouring properties.

- 1.10 The applicant has been asked to investigate alternative generators and has established that the generator that has been used to date is the quietest available at the required output and that it has been previously deemed to be acceptable by the Planning Authority and the Environmental Health Team.

#### Adequacy of the kitchen

- 1.11 Rudby Hall has one large kitchen, with an additional kitchen/prep area, and a large store and refrigerator room. The premises have operated successfully as a hotel and as a venue for weddings and other functions, where the kitchens are used to cook for guests staying and/or dining at the hotel around the events. Therefore, it is considered that the kitchen and facilities are capable of accommodating further events without resulting in a detrimental impact on neighbouring amenity.

## **2.0 SITE, CONTEXT AND PROPOSAL**

- 2.0 Rudby Hall is a 3 storey former country house set in extensive gardens and located between Hutton Rudby and Stokesley. The building is Listed Grade II and is currently a hotel and events venue. There is a large car park to the west of the house. Former outbuildings immediately to the east have been converted to residential use. There are residential properties across the road, to the north, and to the south west (approximately 150 metres).

- 2.1 The proposal is to vary a number of conditions from an earlier application 15/00961/MRC to allow the business to operate more effectively.

- 2.2 Following negotiation with the applicant's agent, the current proposal is as follows;

- Condition 6 (Extraction) – It is proposed to vary the wording of the condition to also allow for the installation of temporary generators in conjunction with the proposed alteration of condition 13. Condition 6 originally prevented the installation of any other plant or equipment.
- Condition 7 (Kitchen Management Plan) – Seeks to vary the approved kitchen management plan to allow food to be prepared on site. As existing, food is prepared off site and is reheated in the grounds of the hall. The proposed variation would allow use of the existing kitchen space without alteration to the building.
- Condition 10 (Outside Events) – As existing, this condition allows permission for the use of the grounds of the Hall for events held in a marquee up to 8 days in a calendar year. This proposal seeks consent for the retention of this for up to 150 guests, whilst also allowing permission for 10 further events for up to 40 guests to be held in a defined area immediately west of the hall.
- Condition 11 (Times for outside events) – As existing, the condition requires no outdoor events to be held in the grounds of the Hall outside of the hours of 12 midday and 6pm. This condition seeks to retain this for larger events of up to 150 guests. However, it seeks to revise these hours to 12 midday and 8pm for the proposal smaller events of up to 40 guests.
- Condition 12 (External events) – It was originally proposed to remove this condition to allow for the provision of external events to be held anywhere within the grounds of the Hall. However, at the request of the council, this has

been revised and now proposes an area to the west of the Hall to be used for small events as proposed in conditions.

- Condition 13 (Marquee) – The proposal seeks consent for a rewording of this condition to also allow permission for a generator to be used solely in conjunction with the previously approved marquee and will be removed accordingly following events. The applicant has set out that the generator will not exceed 63dBA at 7m.
- Condition 16 (Preparation and clearing times) – As existing, the condition does not allow preparation and clearing for events to be undertaken outside of the hours of 11 am and 7pm. This condition seeks to retain this for larger events of up to 150 guests. However, it seeks to revise these hours to 12 midday and 8pm for the proposed smaller events of up to 40 guests.
- Condition 18 (Temporary structures) – Seeks consent for a rewording of the condition to allow for the use of temporary gazeebos, up to 18sqm in size, for the smaller events of up to 40 guests.

2.3 Following negotiation with the applicant's agent, a proposed variation to the following condition was withdrawn at the request of the council;

- Condition 15 (Live Music) - The proposed variation was to amend the wording of the condition to allow non-amplified live music in the grounds of Rudby Hall.

### **3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 3.1 12/00019/FUL - Change of use from dwelling to a country house hotel; Granted 17 September 2012).
- 3.2 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to form a hotel; Granted 17 September 2012.
- 3.3 12/02367/MRC - Application to vary condition 7 of planning permission 12/00019/FUL to no food shall be cooked on the application site other than for consumption by staff, guests staying overnight at the premises or for events held within the hall; Withdrawn 23 January 2013.
- 3.4 13/01018/MRC - Application to vary condition 7 of planning permission 12/00019/FUL relating to use of the existing kitchen facilities to include preparation of food for guests attending functions held at the hotel and within the grounds; Granted 8 August 2013.
- 3.5 13/01275/LBC - Application for listed building consent to install a new ventilation and fume extraction system including internal flue and replacement extractor grill; Granted 15 August 2013.
- 3.6 15/00961/MRC- Variation of conditions 7 (kitchen management plan) and 10 (number of marquee events) of planning permission 12/00019/FUL (change of use from dwelling to a country house hotel); Granted 8 July 2015.

### **4.0 RELEVANT PLANNING POLICIES**

4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Development Policy DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policy DP25 - Rural employment  
National Planning Policy Framework  
National Planning Policy Framework - published 24 July 2018

## **5.0 CONSULTATIONS**

- 5.1 Parish Council – “Recommend refusal. There are misleading statements in that they have not been abiding by the original conditions. There have been regular complaints from neighbours against the non-compliance with existing conditions. Rudby Hall was originally supposed to be a small country house hotel but has not been run as such. The number of jobs promised have not materialised and the majority of the work is done by sub-contractors”.

Further comment received from the Parish Council in light of amended proposals-  
“The Council re-iterates the comments made earlier”.

- 5.2 Environmental Health Officer – “This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be limited negative impact from the controls proposed within the revised planning statement. Therefore the Environmental Health Service has no objections”.
- 5.3 Society for the Protection of Ancient Buildings – No response received
- 5.4 Historic England- No comment
- 5.5 Council for British Archaeology – No response received
- 5.6 Northumbrian Water – No comments
- 5.7 Highways – No objections
- 5.8 Environment Agency – No response received
- 5.9 Site Notice - No response received
- 5.10 Public comments – 17 Objections have been received with regards to the application citing the following reasons;
- Loss of amenity;
  - Failure to comply with previously imposed conditions; and
  - Highways issues

## **6.0 OBSERVATIONS**

- 6.1 The principle of allowing events to take place at Rudby Hall is established by previous consents, rather we need to understand and assess the impacts of the proposed revisions to the conditions attached to the consent. Therefore, the main issues to consider from this application are; the impact of the proposals on (i) residential amenity; (ii) highway safety; and (iii) the appearance of the countryside.

Residential amenity

- 6.2 This application seeks consent for an additional allowance of up to 10 events per annum, with a limit of 40 guests to be held in the grounds in a sunken garden area immediately west of the Hall, in a gazebo, if required, of up to 18sqm. These events will be held between the hours of 12pm and 8pm including any necessary preparation and clearing.
- 6.3 As existing, there is permission for up to 8 events to be held in the grounds of the hall of up to 150 guests. However, the applicant's agent has stated that the actual number of events of this size is far less than this, and they have identified the need to be able to accommodate smaller, more intimate events. The proposed area for these smaller events is located at an area further away from neighbouring residential properties than the previously approved marquee and has direct access to the kitchen area for the serving of food. Therefore, it is considered that the proposed area is able to accommodate a further 10 events per annum, within the proposed time constraints, without resulting in a detrimental impact upon the amenity of neighbouring occupiers.
- 6.4 The proposals seek consent for the use of a defined generator in conjunction with the previously approved marquee to the south-west of the Hall, and consent for food to be prepared on site.
- 6.5 As proposed the generator will be used solely in conjunction the marquee and removed off site, or placed in a safe location accordingly, when not in use. The design of the generator is such that noise levels would not exceed 63dBA when measured at 7m from the generator.
- 6.6 To facilitate the preparation of food on site, the existing kitchen will be utilised and is considered to be adequate without requirement for alteration to the material of the building. As existing, food is reheated in large units before serving. It is considered that the alteration of this process will have no impact on the amenity of nearby residents.
- 6.7 The Environmental Health Officer has considered the application and has confirmed that there will be a limited negative impact and that they have no objections to the proposal.
- 6.8 Neighbour comments received have outlined concerns over the impact on amenity and state that the owners of the premises have failed to comply with previous conditions. However, the Environmental Health Officer has confirmed that to date complaints to the Council have not been substantiated.
- 6.9 Overall, it is considered that the proposed variations would not result in a significant harmful impact on the amenity of nearby residents.

#### Highway safety

- 6.10 The proposed variation would allow consent for an additional number of smaller events to be held in the grounds of the Hall, which may result in a greater impact upon highway safety. However, the nature of events at Rudby Hall such as weddings, promotes the staggered arrival/departure of guests. There is also sufficient on-site parking to accommodate the additional events.
- 6.11 Furthermore, the proposed variation of condition 7 would allow food to be prepared on site which will potentially lead to a decreased number of delivery vehicles requiring access to the site in preparation for events.

- 6.12 As such, it is considered that the proposed development will not result in a harmful impact upon highway safety. It is also noted that the highways authority confirmed that they have no objections to the proposed amendments to the conditions.

#### The appearance of the countryside

- 6.13 The impact of the previously approved marquee on the character and appearance of the surrounding countryside has been assessed in previous applications. The proposed temporary gazebo for smaller events would be up to 18sqm in size. It would be located in an area close to the house which would have historically been used for recreational purposes. As such, it is considered that the temporary use of a gazebo would be understood in conjunction with the main building and not result in a detrimental impact on the character and appearance of the countryside.

### **7.0 RECOMMENDATION**

- 7.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of 12 September 2012
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered as followed, unless otherwise agreed in writing by the Local Planning Authority:  
11.026 004 Rev.A (Basement, Ground & 1st Floor Plans) received on 6th January 2012  
11.026 001 (Location Plan) received on 6th January 2012  
201806271334 – External Events Plan received on 14 September 2018  
11.026 005 Rev.B (2nd & 3rd Floor Plans) received on 3rd May 2012  
12010. F01 Rev.B (Access) received on 6th June 2012
3. The means of disposal of foul water drainage shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a hotel (Use Class C1) and including use as a private function venue.
5. The disposal of waste shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
6. Prior to first use of the hotel and private function venue hereby approved, the new ventilation and fume extraction system, as detailed within the Kitchen Extract Fan 'Noise Impact Assessment' and the 'Odour Assessment & Ventilation and Fume Extraction Report' both received on 14th May 2013 and Mr Sebastian Stevens clarification email (noise attenuation) of 10th July 2013, shall be installed and thereafter be maintained in accordance with the approved details. No additional external plant or equipment, other than that approved under Condition 13 of this consent, shall be installed without the prior written approval of the local planning authority.

7. No food shall be prepared and/or cooked on the application site other than for consumption by staff, guests staying overnight at the hotel and guests attending functions held at the hotel and within the grounds except in accordance with the Kitchen Management Plan received by Hambleton District Council on 14 May 2018, unless otherwise agreed in writing by the local planning authority.
8. The doors and kitchen windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use.
9. The courtyard to the east of the Hall shall not be used by staff (other than for access or maintenance), or customers and no deliveries shall be made via this courtyard.
10. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, and any marquee erected within the grounds, shall not be used for other than;
  - A. Events with up to maximum of 150no. guests to be held in the grounds of Rudby Hall up to a maximum of 8 days in a calendar year, unless otherwise agreed in writing by the Local Planning Authority.
  - B. Events with up to a maximum of 40no. guests to be held in the grounds of Rudby Hall up to a maximum of 10 days in a calendar year, unless otherwise agreed in writing by the Local Planning Authority.
11. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, shall not be used for events outside the following hours unless otherwise agreed in writing by the Local Planning Authority;
  - A. 12 midday and 6pm for larger events (as permitted under Condition 10a of this permission); and
  - B. 12 midday and 8pm for smaller external events (as permitted under Condition 10b of this permission).
12. Events held within the grounds of the Hall shall only be held full accordance with the details as set out in drawing number 201806271334 - External Events Plan, received by Hambleton District Council on 14 September 2018, unless otherwise agreed in writing by the Local Planning Authority
13. No marquee shall be erected within the grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, other than in accordance with details previously approved under application reference 12/02597/DIS. No generator shall be installed unless in full accordance with the details as set out in 201806271334 – External Events Plan received by Hambleton District Council on 14 September 2018, and the following restrictions;
  - A. The generator shall no exceed 63dBA at 7m; and
  - B. The generator shall be only used to support the function of the marquee and stored in a safe location or moved off site immediately following the deconstruction of the marquee
14. No sound amplification equipment shall be used within the grounds of the Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, (including within any marquee) or in any building other than within the bar and dining room(s) without the prior written approval of the Local Planning Authority.
15. No live music shall be performed within the grounds of Rudby Hall as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012,

(including within any marquee) without the prior written approval of the Local Planning Authority.

16. Preparations for events and clearing up after events shall not take place outside of the hours of;
  - A. 11am to 7pm for larger events (as permitted under Condition 10a of this permission) other than for erection and dismantling of any marquee.
  - B. 12 midday to 8pm for smaller external events (as permitted under Condition 10b of this permission).
17. Erection and dismantling of any marquee shall not take place outside the hours of 8am and 6pm Monday to Saturday and shall not take place at any time on Sundays and Public Holidays.
18. No temporary structures, other than as permitted by condition 13 and temporary gazebos (to be erected in full accordance with the details set out in drawing number 201806271334 - External Events Plan, received by Hambleton District Council on 14 September 2018), are to be erected in the grounds of the Hall unless otherwise approved in writing by the Local Planning Authority. Any temporary gazebo will not exceed 18sqm in size
19. No noise emanating from events held in the Hall shall exceed 28(LAeq, 5min) at any point on the red line shown on drawing 12010.P01 (Acoustic Boundary Layout Plan) received by Hambleton District Council on 26th June 2012.
20. A noise limiter shall be installed on any amplification equipment in the bar and dining room(s) which shall be set to achieve maximum octave band sound levels within each room as detailed in Table 1 of the Apex Acoustics Report reference 3165.1B accompanying the application. All amplified speech and music shall be played through the noise limiter which shall be secured against tampering once set to the stated levels.
21. No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays and Public Holidays.
22. Prior to first use of the development hereby approved, the secondary access to the east of the Hall shall be closed in accordance with details previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details.
23. No part of the development shall be brought into use until the alterations to the vehicle access have been constructed in accordance with the submitted drawing (Reference Drawing No. 12010.F01 Rev B). Once constructed these areas shall be maintained clear of any obstruction and retained at all times.
24. The hotel and function venue hereby approved shall continually operate in accordance with the provisions of the approved 'Kitchen Management Plan' received by Hambleton District Council on 14 May 2018 unless otherwise approved in writing by the local planning authority.
25. The number of guests visiting the hotel and function venue hereby approved, including any event within the grounds, shall not exceed 150 persons at any one time.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.
3. In the interest of satisfactory and sustainable drainage.
4. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of sustainability, access and environmental impact in accordance with policies CP1, CP2, CP4, DP1, DP3, DP4 and DP9 of the Hambleton Local Development Framework.
5. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
6. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
7. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
8. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
9. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
10. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
11. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
12. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
13. In order to protect the character and appearance of the listed building in accordance with policies CP16 and DP28 the Hambleton Local Development Framework and in order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
14. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
15. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
16. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
17. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

18. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
19. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
20. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
21. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
22. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
23. In accordance with Policy DP4 of the Local Development Framework and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
25. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.