

Parish: West Tanfield

Ward: Tanfield

11

Committee date: 27 April 2017

Officer dealing: Mrs H Laws

Target date: 5 May 2017

16/01573/FUL

Retrospective change of use of dwelling and domestic curtilage for weddings/private functions. Retrospective works include construction of a Riverside Pavilion and use of land for the siting of two temporary marquees and car parking for up to 100 cars

At Tanfield House, West Tanfield

For Mr Neil Bourne-Arton

This application is referred to Planning Committee at the request of Councillor Webster

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies at the eastern end of the village of West Tanfield on the southern side of the main village street. The site comprises a dwelling that lies immediately adjacent to the edge of the footway. This is the rear elevation of the dwelling; the principal elevation fronts onto the garden, which is screened from the main village street by a stone wall, varying in height from approximately 1.75m to 3m. The dwelling and its garden face onto the River Ure, which bounds the south of the site. The access to the property lies to the west of the dwelling and the driveway bisects a grassed paddock area, all of which lies within the application site boundary.
- 1.2 The application site lies within the West Tanfield Conservation Area.
- 1.3 Permission is sought to undertake events at the site including weddings and other private functions. This involves the use of the dwelling and the domestic curtilage associated with it and the land adjacent to the curtilage, through which the site is accessed. The proposal includes parking for up to 100 cars on a paddock area to either side of the access driveway although it is not anticipated that more than 30 or 40 spaces would normally be required.
- 1.4 The application includes the construction of an open sided timber octagonal gazebo within the garden. The structure has a height of 3.8m and a slate roof.
- 1.5 It is also proposed to erect two marquees within the garden and/or on the car parking area for use in connection with events.
- 1.6 The proposal is for wedding parties of between 20 and 80 but would have capacity for up to 120 guests. The ceremony would be held either in the house or in the pavilion. Smaller receptions could be accommodated entirely within the house but marquee(s) would be erected for larger events.
- 1.7 The application is retrospective as events have already taken place.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 – Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 – Access for all
Development Policies DP8 – Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP18 - Rural employment
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP43 – Flooding and floodplains
Development Policies DP44 – Very noisy activities
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – If the application is granted the Parish Council requests a curfew time be imposed, due to the close proximity of the neighbouring properties. The Parish Council is also concerned with regard to the volume of traffic this application could generate, 100 cars, at all times of the day and night in the heart of a residential area.
- 4.2 Highway Authority – No objection; recommends a condition requiring the creation and retention of parking facilities.
- 4.3 Environment Agency – No objection; however small parts of the site lie within Flood Zones 2 and 3 but are at a low level of risk. Recommends that the applicant develops an emergency evacuation plan, so that appropriate emergency planning procedures are in place if flooding occurs during a function.
- 4.4 Environmental Health Officer – Advises that the applicant’s noise assessment is appropriate to indicate the effect of entertainment at the venue. However, noise levels during events will not be significantly below the existing background levels and it is highly likely that some noise from the events will be heard by neighbouring occupiers. It is therefore necessary to ensure that not only are the mitigation measures put in place but also additional controls to limit the impact on neighbour amenity.

The assessment details a number of mitigation measures which should be put in place and conditions should require that these measures, including acoustic shields, are implemented and maintained. As the mitigation measures described will not remove the impact on neighbouring occupiers is also necessary to control the number and timing of events.

It should be noted that conditions cannot be worded to effectively control noise from the activities of individuals attending events and the impact of these will depend very much on how the venue and events are managed.

A total of six conditions are recommended in the event that permission is granted.

- 4.5 Public comments - a total of 22 letters of support have been received from local residents, which are summarised as follows:

- The business supports other local businesses; guests book local accommodation;
- No serious issues with noise from the events;
- Small start-up issues have been addressed and measures put in place to prevent re-occurrences;
- The vast majority of local pubs would I think tend towards holding several 'events' (BBQs etc.) throughout the year and I'd imagine these would on average generate more noise and disruption than we've so far seen events;
- We are very fortunate in Tanfield to have thriving pubs and a really good shop and surely additional 'people' businesses add to the vibrancy of the place;
- Disruption has been negligible and guests have been friendly and well behaved;
- Living in an area where happy occasions such as weddings are around us can be beneficial to the quality of life; this will be an asset to the village and surrounding area;
- Refreshing to see a new and successful business; it is appropriate to the village;
- Local business, tourism and employment benefits from the development;
- There will be a maximum of 12 events per annum involving music and these will end by 11.00pm, a reasonable curfew, so the benefits to the community as a whole outweighs any slight disturbance;
- If people are concerned about the noise why is the village hall allowed to have weddings and parties, there are noises at times;
- The management of the venue have been particularly diligent in informing everyone locally whenever there is a celebration planned so that any potential disturbance can be minimised; if a problem occurred they would resolve it; and
- The development supports a 'green' agenda' of low impact sustainable business growth;

An objection, on behalf of a local resident, is summarised as follows:

- This is a significant and very large scale, commercial venture which involves parking for up to 100 cars in a rural location. Ambient noise levels are low so it is an especially sensitive location to noise generating activities;
- On two occasions we have had cause to contact the authority's Environmental Health Department due to the excessive noise and disturbance from amplified music played excessively loud, amplified speeches played excessively loud, cars coming and going late at night and party revellers coming and going late at night;
- The application is contrary to policies that seek to ensure that no harm to residential amenity arises, through development proposals; a fundamental aim of the planning system;
- the behaviour of wedding and event attendees is beyond the control of planning legislation and accordingly the application should be refused;
- The location of Tanfield House and the marquee site and riverside pavilion locations within Flood Zones 2 and 3. A Flood Risk Assessment should be requested as the proposal which involves a significant number of people attending weddings and other events in an area of acknowledged flood risk;
- The proposal will result in a significant increase in both car borne traffic (guests arriving and departing plus catering staff) as well as a number of larger service vehicles to support the catering operation (delivery vans/OGVs/HGVs and waste disposal vehicles etc.). The layout of the site as proposed is wholly inadequate to support this increase in vehicular movements and consequent demand in parking;

- During the wetter months, parking (and walking) on existing wet grass areas will be unacceptable to guests and they are likely to park elsewhere on–street, creating potential road safety problems;
- The access is one vehicle width; it is considered wholly unacceptable for the proposed significant increase in traffic accessing the site as it is not two-way;
- A new layout showing swept path analysis is required to demonstrate that larger service vehicles can be satisfactorily accommodated;
- The Institution of Environmental Management and Assessments (IEMA) (1994) 'Guidelines for the Environmental Assessment of Road Traffic' sets out advice on the environmental impact of road traffic. It is clear that given the site's location, on the fringe of West Tanfield and with other residential properties directly fronting the roads leading to the site, that the sensitivity of the roads should be classed as high;
- Road safety concerns with regard to the access and traffic flows; and
- The site is poorly served by sustainable forms of transport.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of the proposed use; (ii) the impact of the proposed structures on the character and appearance of the surrounding Conservation Area; (iii) the effect of the proposed use on residential amenity; (iv) flood risk: and (v) highway safety.

Principle

- 5.2 The site lies partly within the Development Limits of West Tanfield; the dwelling, and garden area immediately surrounding the dwelling, are within Development Limits; the access and paddock area at the western side of the application site lie outside Development Limits.
- 5.3 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, in order to create jobs and prosperity and supports leisure development that benefits businesses in rural areas, communities and visitors.
- 5.4 LDF Policies are also supportive of new business and employment development. Policies CP15 and DP18 identify the importance of developing rural businesses and supporting the social and economic needs of rural communities.
- 5.5 Only a part of the site lies outside Development Limits; this would provide the parking area for the proposed use and would also accommodate marquee(s); none of these being permanent.
- 5.6 West Tanfield is classified as a Service Village in the 2014 Settlement Hierarchy and is considered to be a sustainable location; therefore the principle of the development is considered acceptable.

Character and appearance

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character and appearance of the West Tanfield Conservation Area.
- 5.8 The gazebo, which is domestic in appearance, has already been constructed and is not visible from outside the site. The structure is of a scale and form and located such that it is not considered to harm the character and appearance of the site or the surrounding Conservation Area. The erection of temporary marquees, if in place for

a short period of time, would have a limited visual impact. A condition could be imposed requiring the marquees to be in place for only a specified number of days before and after an event in order to limit the level of this impact.

- 5.9 On assessment of the application it is considered that the development would cause limited harm to the heritage asset; a degree of harm that could be outweighed by economic benefits.

Residential amenity

- 5.10 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, vibration and daylight.
- 5.11 The site is located on the edge of the village and by its nature the area is relatively tranquil and the background noise levels are low. This effectively increases the potential for impact from noise as a result of the proposed use, in particular on the amenity of the domestic gardens to the north of the village street. The nearest dwellings lie across the road from Tanfield House, to the north of the application site, within earshot of any activities undertaken at the site. One of the dwellings lies approximately 12m from the boundary of the application site.
- 5.12 Even though the majority of the residents are in support of the proposal they note that noise can be heard and has at times been quite loud.
- 5.13 A noise assessment has been undertaken on behalf of the applicant that concludes that without mitigation the noise levels for external events, would be higher than the background noise levels but by introducing noise control measures, the noise level can be reduced and the likelihood of an adverse impact from noise would be significantly reduced.
- 5.14 The view of the Council's Environmental Health Officer is that if the proposed mitigation measures are implemented and maintained the background noise levels would be matched but this would not remove the impact on local residents as the noise levels during an event would not be significantly lower. Two equal noise sources add 3dB to the overall noise level. So if the event noise matches the background it would increase the background level by 3dB which is a noticeable level of increase. For the event noise to have no impact at all on the background dB level it would have to be 10dB below.
- 5.15 So, even with mitigation there would be an impact. The mitigation itself must be implemented exactly as required, for example, the acoustic shields must be positioned with no gaps between. It is not considered to be possible for this to be enforced by the Planning Authority unless an officer of the Council were to attend every event as the mitigation measures are not a permanent fixture and would need to be checked each time they were erected.
- 5.16 In addition, the impact of noise from the activities of individuals attending an event would depend on the management of the event and, again, it would not be possible for this to be enforced, notwithstanding what some residents have said about the operator's positive attitude, because permission normally goes with the land. It is not disputed that the applicant would do his absolute best to make sure the mitigation measures were in place but the permission goes with the land and unless the measures could be enforced it might fall to the management of someone less conscientious. Uncontrolled the events are likely to have an unacceptable impact.
- 5.17 Paragraph 203 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to consider whether otherwise unacceptable development could

be made acceptable through the use of conditions. Without conditions the development would be unacceptable as the noise disturbance resulting from the development would harm residential amenity contrary to LDF Policy DP1. Six conditions have been recommended by the Environmental Health Officer but, in accordance with paragraph 206 of the NPPF conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. It is considered that the conditions recommended do not comply with these tests and therefore cannot be imposed. For this reason, the development is considered unacceptable in terms of its likely impact on residential amenity.

Highway safety

- 5.18 The Highway Authority initially expressed some concern that, on wet days, mud from the parking areas might be drawn onto the highway or that drivers would choose to park outside the site on the carriageway rather than on wet grass, to the detriment of the free flow of traffic. Following the submission of details that illustrate the positioning of grass reinforcement systems to direct drivers to those parts of the site that would be frequently used, the Highway Authority has confirmed no objection, subject to a condition that the reinforcement system is installed.

Flooding

- 5.19 The site lies within an area of flood risk but due to the nature of the proposed development there is no objection from the Environment Agency. Should planning permission be granted, a condition could be imposed requiring the formulation of an evacuation plan to be put in place should a flood event occur.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proximity of the proposed development to existing residential dwellings within the village would give rise to noise and disturbance that cannot be mitigated by the imposition of conditions and which would adversely affect the amenity of nearby residents contrary to LDF Policies CP1 and DP1.