

## Officer Report On Planning Application: 17/01089/COU

<b>Proposal :</b>	Application to permit use of gardens of the manor and the potting shed adjacent to gardens to hold events for up to 150 people.
<b>Site Address:</b>	Midelney Manor Midelney Road Drayton
<b>Parish:</b>	Drayton
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	23rd May 2017
<b>Applicant :</b>	Alice Acton
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the relevant information and issues raised by local residents.

### SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside, 1.8 km to the south of Drayton. The Manor house is a Grade 1 listed Elizabethan manor house, which sits at the core of a group of historic buildings including outbuildings directly related to the manor house, as well as two independently listed (Gr 2) houses. The listed buildings front onto Midelney Road, with ancillary buildings to the rear (north-east), beyond which are large garden areas.

Application is made for the use of the premises for weddings, limited to 10 such events within any twelve-month period, events to serve up to 150 people.

## HISTORY

No relevant recent history

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

## **Policies of the South Somerset Local Plan (2006 - 2028)**

SD1	Sustainable Development
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity
EQ7	Pollution Control

## **National Planning Policy Framework (March 2012)**

**National Planning Practice Guidance** - Department of Communities and Local Government, 2014.

## **Policy-related Material Considerations**

Somerset County Council Parking Strategy, March 2012 and September 2013.  
Somerset County Council Highways Standing Advice, June 2013.

## **CONSULTATIONS**

**Parish Council:** The application is supported.

**Highways Authority:** No objection, subject to conditions.

**SSDC Conservation Officer:** *I would support a temporary use where the marquees/tents/toilets are erected shortly before an event and taken down/removed immediately after. Parking area only to be used when an event is taking place.*

*I have no objections to the other uses of the house as there is no alterations to the house. I do think parking should not be on the field for these smaller events.*

*Events should be restricted to a prescribed number a year.*

*The potting shed could be altered to improve the soundproofing as per the method statement, full details would need to be submitted by condition.*

**SSDC Environmental Protection:** *Whilst I recognise the work that's been put into preparing the acoustic report in support of application 17/01089/COU for a wedding venue at Midelnay Manor, it is still the view of the Environmental Protection Team that this application should be refused on the grounds for potential loss of amenity to local residents due to noise from the proposed music within the marquee, noise from wedding guests arriving and leaving the venue and the general noise from 150 to 200 people gathering in close proximity to residential properties.*

*Planning is the first line of defence against nuisance and, as opposed to nuisance law, can be used as a proactive way of minimising the impact caused by development.*

*Planning is concerned with amenity, amenity is not specifically defined in planning legislation it is defined in the Chambers Dictionary as "the experience of a place as pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors" Should planning permission be granted then we will be left investigating any future complaints under the Environmental Protection Act 1990, Statutory Nuisance Legislation.*

*Amenity and Statutory nuisance are distinct and separate from one another. Planning (amenity) provides a higher standard of protection for residents and future occupiers for people living near to a prospective development.*

*The report makes reference to no more than 10 events over a 12 month period, in reality most weddings*

*in marquees take place during the summer months. Potentially, this could lead to 2 events taking place every month from June to October for example.*

*So over this period of 20 weekends the local residents will potentially experience 10 disturbed weekends in the summer months.*

*The application site benefits from being a very remote location, and by its nature background noise levels are very low and I would anticipate early evening and night time noise levels to be somewhere between 20dBA to 30dBA.*

*The introduction of a noise source in this area will and cannot fail to be noticed by local residents especially if the expected level of 50dBA at the façade of dwellings is considered to be reasonable.*

**Historic England:** No objection. *Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 132 and 134.*

## **REPRESENTATIONS**

Nine letters have been received, 8 supporting the application and making the following main points:

- the proposal diversifies the use of the property, generating income for the house and retaining the family dwelling
- it assists in the long term maintenance and protection of this historic building
- visitors are enabled to enjoy this historic building and setting
- it remains within the constraints of a small rural community
- it brings employment/business benefits
- attention has been paid to concerns about parking, loud music
- the impact of noise would affect fewer residents than in other similar venues in the District
- a relatively small number of events is proposed
- the benefits are considered to outweigh the effect of the occasional noise

One letter of objection raises the following main points:

- the proximity to the parking area and highway would result in severe noise impact on a nearby dwellinghouse as a result of guests arriving, marquee and catering companies setting up, as well as the arrival and activities of staff for the event;
- the 'acoustics of the surroundings allow even whispered voices to carry'; the approach road is a no through-road and very quiet immediately adjacent to the objector's house
- the introduction of large numbers to this site increases security risk
- damage will be caused to the road surface
- there is concern about the general noise level of the events

## **CONSIDERATIONS**

The application as it currently stands is for the use of the site for events (mainly weddings) for up to 150 persons, occurring 10 times within any twelve-month period. The original application included:

- private dinners
- small history tours of the property

These events are no longer proposed.

In amendments to the originally submitted scheme, the applicant now proposes a very restrictive use of the site. The 'potting shed' building (north-east of the main house) was originally proposed for use as a dance/music/ bar facility for the events; this is now proposed to be within a temporary marquee, to be

erected on the lawns at the north-eastern extremity of the garden area. The 'potting shed' is proposed to be used only as a lounge and bar area.

The revised details propose siting and layout of the marquee and stage in such a way as to face the loudspeakers away from the main house and neighbouring dwellings, to minimise noise impact.

### **Impact on Listed Building**

It is acknowledged that important historic buildings, with high maintenance costs, need to ensure their financial viability where possible. They also need to be used to appropriate uses, as close as possible to their original functions. In this case, the continued use of the Manor as a dwellinghouse is made possible, with the temporary events providing a useful source of income. Such use also brings the buildings to the attention of a wider audience, which can be argued to further secure their long-term vitality and security. The proposed use of the premises on 10 occasions during a year would have a minimal impact on the character of the building and the setting.

Historic England is satisfied that the degree of impact on the buildings is negligible and complies with the relevant government guidance.

### **Visual and Landscape Impact**

The proposed use would only result in temporary placement of a marquee and other minor items to facilitate events. Parking is to be accommodated within a field on the south side of Midelney Road. These activities would only impact on the setting during the event concerned, and have no significant impact on the landscape or setting that would warrant a refusal.

### **Highway Safety**

The proposal has been assessed in some detail by the Highway Authority, with additional information from the applicant being evaluated. The conclusion of the Highway Authority is that the proposal could be accommodated within the road networks without undue harm to the operation of the network, or to highway safety. There are not considered to be any highway safety reasons for refusal of the application.

### **Impact on Residential Amenity**

The site is located in a remote part of open countryside. Grouped around the Manor are various independent dwellinghouses, albeit that some of these are in the same ownership at the Manor itself. The occupants of these dwellinghouses enjoy a very tranquil environment, as noted by the Council's EPU officer. There is minimal passing traffic; and very few generators of any noise. The ambient noise level for such a setting is considered to be unusually low.

The proposal would introduce a considerable change to this position, as discussed above. Traffic, arrival and departure of guests, and ultimately the noise generated by a wedding party would be extremely intrusive, at times when residents have the highest expectation of being able to enjoy the characteristic tranquillity of this setting - i.e. weekends and evenings, generally in the summer months.

Notwithstanding the proposed layout and other mitigation measures proposed by the applicant, it is considered that the proposal would result in an unacceptable standard of residential amenity for occupants of the neighbouring dwellings, contrary to the core principles of the NPPF (Paragraph 17), and Policies EQ2 and EQ7 of the Local Plan.

### **Letters of Representation**

The issues raised have been carefully considered, and largely dealt with above. The following additional comments are appropriate:

- the various benefits of the proposal are noted, and the positive impact of the business proposal has been considered and weighed against the identified harm

- the issue of security risk raised by additional numbers is noted, but it is not considered of sufficient weight alone to justify a refusal of the application
- the Highway Authority raises no concern about the level of traffic and the likely impact on the highway; it is not considered that this would represent a reason for refusal of the application

### **Conclusion**

The proposal is for activities generally compatible with and supportive of the aims of the NPPF in regard to protection and use of heritage assets. There would be no permanent or significant harmful impacts on the landscape setting. Although making use of a quite rural lane, it is not considered that the proposal would result in severe highway safety impacts that would indicate a refusal. The profitable diversification of the use of the heritage asset would bring undoubted benefits, particularly in generating income to contribute towards maintenance of the asset. There would also be some local economic benefit.

However, the introduction of potentially noisy events into this very quiet rural setting raises serious concerns about the impact on the residential amenity of occupants of the dwellings around the Manor house. It is not considered that the 10 events per annum proposed would result in securing a good standard of residential amenity as set out as a principle within the NPPF. The degree of harm is not considered to be outweighed by the identified benefits, and for this reason, the proposal is recommended for refusal.

### **RECOMMENDATION**

Refuse.

### **FOR THE FOLLOWING REASON(S)**

01. Whilst the benefits of the proposal in terms of generation of economic benefit and income for the maintenance of the heritage asset are accepted, it is not considered that these benefits outweigh the demonstrable harm that would result to residential amenity. The noise from the proposed music within the marquee, noise from wedding guests arriving and leaving the venue and the general noise from people gathering in close proximity to residential properties would cumulatively prejudice the maintenance of a good standard of residential amenity for occupants of nearby dwellings, contrary to the core principles of the NPPF (Paragraph 17) and Policies EQ2 and EQ7 of the South Somerset Local Plan.

### **SUBJECT TO THE FOLLOWING:**

#### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the LPA engaged in extensive discussions and on site investigation, but there were no material planning considerations to outweigh concerns raised by the proposal.

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