

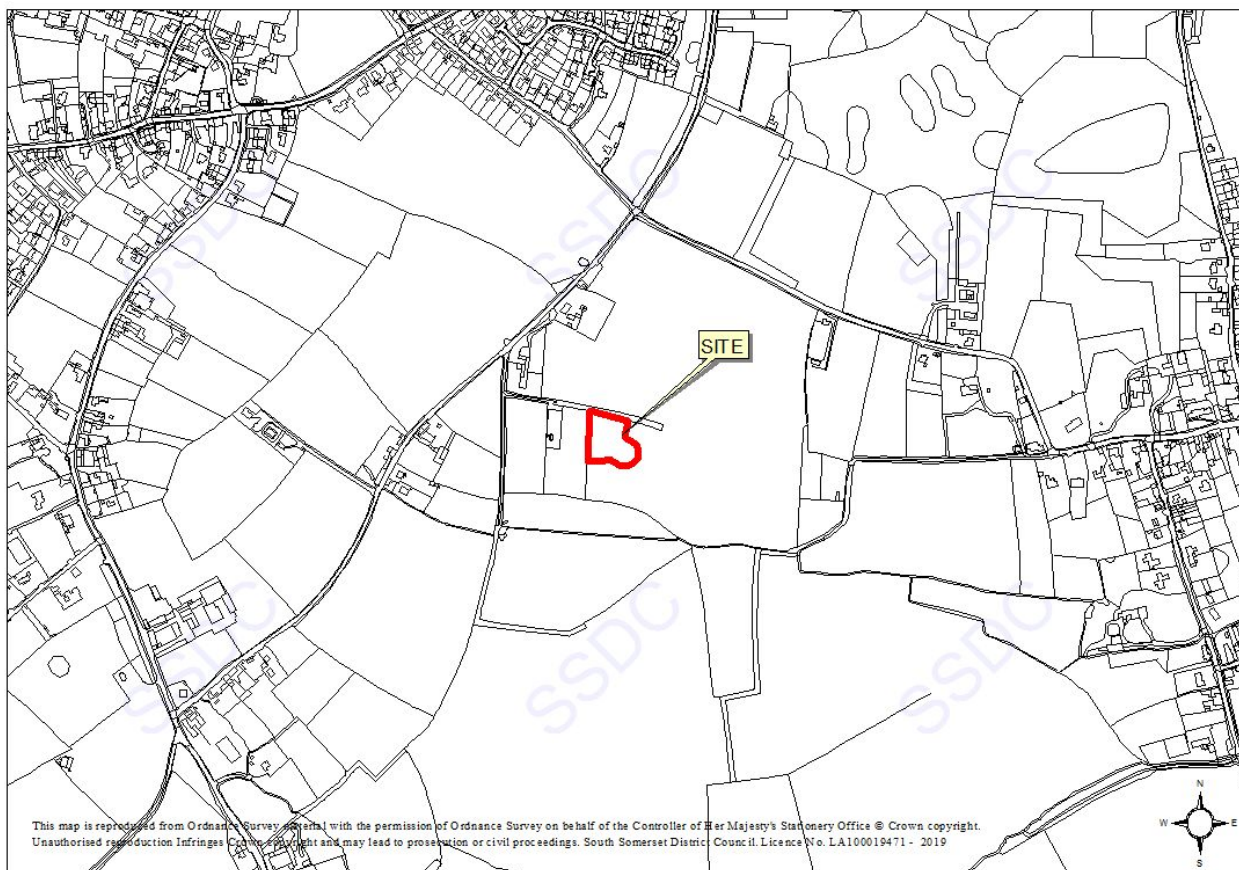
Officer Report On Planning Application: 19/02531/S73

Proposal :	Section 73 application to vary conditions 3 & 5 of permission 15/00455/COU & subsequent application 15/04021/S73A to allow for wedding venue & to increase event limit from 15 to 40
Site Address:	Old Oak Farm, Back Lane, Curry Rivel TA10 0NY.
Parish:	Curry Rivel
CURRY RIVEL, HUISH & LANGPORT Ward (SSDC Members)	Cllr T Osborne Cllr C Paul
Recommending Case Officer:	Alex Skidmore
Target date :	8th November 2019
Applicant :	Mrs Rebecca Jones
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area North Committee at the request of the Ward Members and with the agreement of the Area Chair in view of the public interest and to allow the local concerns to be considered further.

SITE DESCRIPTION AND PROPOSAL





The site is located to the southeast of Curry Rivel, in open countryside. The site is accessed via Back Lane, an unclassified public highway. There are a number of dwellings in the nearby vicinity including a group of houses approximately 150m to the west and several more houses approximately 120m to the north. The site is located approximately 500m to the west of the developed edge of Drayton and approximately 350m to the south of the developed edge of Curry Rivel. The site is approximately 290m from the edge of Drayton's conservation area. The site is in flood zone 1. There is a public right of way (footpath L 9/30) which passes a short distance to the north of the site from northwest to southeast.

Planning permission was granted under application 15/00455/COU for the siting of a marquee on this site for a temporary period from 1st May to 30th September annually and a temporary change of use of the land and two other buildings within the site for use as a wedding venue for up to 12 events per year, between the aforementioned months. A later application followed, application 15/04021/S73, which permitted an increase in the number of weddings permitted to take place from 12 to 15 per calendar year, which brought the consent in line with the then recently amended TENS licensing laws.

The current application is seeking to amend a number of conditions attached to these earlier planning consents in order to increase the number of events that can be held on the site from 15 to 40 in any calendar year and to allow other types of functions, not just weddings, to be held on the site.

RELEVANT HISTORY

15/04021/S73A: Application to vary condition 5 of planning permission 15/00455/COU to allow an increase in the number of weddings from 12 per calendar year to 15 per calendar year. Permitted.

15/00455/COU: Erection of a marquee for a period of five months (May to September) for wedding venue and temporary change of use of the land for wedding venue, use of animal shelter as undercover bar/seating area and log cabin for use as bridal suite during events. Permitted.

15/00239/FUL: Erection of dwelling as replacement for approved mobile home. Permitted.

14/00274/FUL: Erection of dwellinghouse as replacement for approved mobile home. Withdrawn.

11/03014/FUL: Erection of a steel framed shed for storage of materials (timber) and plant. Permitted.

10/05122/FUL: Temporary permission for the siting of a mobile home (Retrospective). Permitted.

10/03406/COL: Application for a certificate of lawful use for existing use of land as an arboricultural landscaping and agricultural contractors depot with associated storage for machinery vehicles and equipment together with storage and processing of timber and arisings. Permitted.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

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

SD1 - Sustainable Development

EP4 - Expansion of Existing Businesses in the Countryside

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 2 - Achieving sustainable development

Part 6 - Building a strong, competitive economy

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

CONSULTATIONS

Curry Rivel Parish Council: Recommend approval.

Subject to the noise being kept within legal limits and traffic being monitored, bearing in mind the families living nearby, the Parish Council recommend approval.

Drayton Parish Council (neighbouring parish): Object. We have received numerous complaints from Parishioners regarding current noise levels of events and we therefore object to the proposed increase in numbers of events.

County Highways: No objection.

The application site is located on Back Lane. This is a lightly trafficked country lane which is subject to a 40mph speed limit. Access to the site is gained via a private access which is shared with the adjacent dwelling. The access at the entrance is hard surfaced and is of sufficient width to allow two cars to pass. No personal injury accidents have been reported in the vicinity of the site access.

The planning history of the site is acknowledged, and it is noted that the number of events which can take place in a year has previously been increased from 12 to 15 weddings. The current S73 application seeks change the condition wording from 'wedding' to 'event' as well as increase the number of events to up to 40 per year which is a more than double from what is currently permitted. The highway authority is not aware of any highway safety issues which have occurred in relation to the current use of the site, therefore, an increase in the number or type of events which can take place is unlikely to create any highway safety issues. On this basis there are no objections to the development proposals.

SSDC Highway Consultant: Referred to the highways comments and recommendations made in response to the 16/00549/FUL application.

The Highway Authority raised no objection to application 16/00549/FUL but recommended a number of conditions.

Environmental Health: No objection subject to the following restrictions being imposed:

1. There shall be no more than 15 of the 40 events per calendar year where live or recorded music is played. Acoustic music that is played without the assistance of any electronic amplification, such as a PA system, as well as incidental music may be played at all other events.
2. Music noise levels (MNL) (LA,eq) shall not exceed the background noise level by more than 15dB(A) over any 15 minute period between the hours of 09:00 and 23:00.
3. For events continuing or held between the hours 23.00 and 09.00 the music noise shall not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

Additional comments:

I would want to control the nature of events so that they can only have live or recorded music for 15 events a year (under licensing they could still have incidental music in the bar). I would also look to condition the levels of noise that they can generate at the venue using CIEH pop code guidance. This means that they can use the venue more often without it having an increased impact on nearby residential properties.

Incidental music is that which cannot be heard beyond the site boundary and is incidental to any other activity at the venue as opposed to music which forms part of the main activity such as a disco or concert. Essentially it is background music.

REPRESENTATIONS

Written representations have been received from fourteen local households of which thirteen are raising concerns / objections to the proposal and one is expressing support for the proposal. The matters raised

in these representations have been summarised in brief below, please note that the full comments are available to view on the Council's website (www.southsomerset.gov.uk).

The concerns / objections raised include:

- Noise. We already have to endure 15 weekends disrupted by noise, which can be heard both in the garden and in the house. We have to close our windows at night which is not acceptable in the summer.
- We can clearly hear every word sung when a band is playing or someone is speaking into a microphone.
- We cannot be expected to shut ourselves indoors on warm summer evenings just to avoid loud, amplified noise.
- We have tried to be tolerant given the existing relatively low number of evenings disrupted by noise which have gone well past the permissible time and kept us awake.
- Fail to see how 40 events can be regulated.
- Concerns this proposal will lead to more music events in what is a quiet rural village.
- The current situation is intolerable any more events is unacceptable.
- 40 events over a 22 week period is too many.
- Any additional events should be subject to sound attenuation.
- Unless specific low key, low volume events are documented and listed as a condition it will mean that any live music events open to the public could be held at any time without monitoring.
- Village halls and other venues in the community are more suited to low key events such as wakes and birthday parties. They also need the revenue.
- Increase in traffic generation is an issue.
- Visual amenity. The marquee, flags, tent village and parked vehicles are clearly visible from public footpaths and highways.
- This venue is totally inappropriate in this rural environment and should not be permitted to expand.
- It does not benefit the local community, has a negative impact on many local residents and is visually and environmentally damaging.
- We would love to support a successful local business but perhaps they need to invest in a more soundproofed structure.

The comments made in support include:

- We live two fields away and can faintly hear music when an event is taking place but never after 12.00 midnight.
- We have attended a couple of charity events along with many of the villagers and feel it has brought the community together.
- I have never been hindered by event vehicles or such like.

CONSIDERATIONS

Planning permission was granted under application 15/00455/COU for the provision of a marquee within the site for a temporary period between 1st May to 30th September annually and a temporary change of use of the land and two other buildings within the site for use as a wedding venue for up to 12 events per year, between the aforementioned months. A later application followed, application 15/04021/S73, which permitted an increase to the number of weddings permitted to take place from 12 to 15 per calendar year, which brought the consent in line with the then recently amended TENS licensing laws.

The current application is seeking to amend the conditions attached to these earlier permission in order to increase the total number of events that can be held on the site from 15 to 40 in any calendar year

and to allow other types of functions, not just weddings, to be held on the site.

Principle

The principle of utilising this land and the siting of a marquee from 1st May to 30th September each year for use as a wedding venue has already been established through the consents previously granted. The current proposal is seeking to expand what is now an established business by increasing the overall number of events that can be held on the land as well as to expand the type of events that can be held so that it is no longer limited just to weddings. Local Plan policy EP4 supports the expansion of existing businesses in the countryside subject to such proposals complying with a specified criteria.

According to the available information it would appear that the business is viable and has been operating successfully for a minimum of 3 years. The proposal will not lead to an expansion of the overall site area and will utilise the existing approved structures and temporary marquee. The onsite presence of the marquee will still be limited to 5 months as currently approved and given the lack of new infrastructure it is difficult to argue that the proposed intensification in the use of the site will lead to any substantive harm to visual amenity, landscape character or the setting of the nearby conservation area over and above any existing impact. The site is not located within or close to a designated wildlife site, nor does the proposal result in any identified harm to local wildlife.

The increased use of the site from 15 events to 40 events does represent a significant increase in use. However the events that currently take place on the site would appear to be quite large wedding functions which by their nature have a tendency to take place over the best part of a day and late into the evening and to generate a certain level of noise and high numbers of visitors to the site. The applicant has stated that they are seeking to expand on the range of functions to include events such as christenings, birthday parties, wakes etc which by their nature are often likely to be of a shorter duration with fewer guests. The Council's Environmental Health Officer has confirmed that he is content with this increase in events subject to the proposed additional 25 events being 'quiet', i.e. non music events, and he has recommended conditions which he believes will be able to satisfactorily control this. The Highway Authority, likewise, has raised no objection to the proposal and has not raised any capacity issues in regards to associated traffic generation and the local highway network or any other highway safety concerns.

For the reasons set out above the proposed expansion of this business is considered to be of an appropriate scale for the location and broadly accords with the requirements of Policy EP4 and to therefore be acceptable in principle.

Residential amenity

The application has raised a considerable amount of interest from local residents with the primary concern relating to noise nuisance associated with the existing use which they say is likely to be made worse if the proposed increase in events is permitted. A number of the complainants noted that they had already experienced disruption from the permitted wedding events which they state have generated intrusive noise levels to the detriment of the enjoyment of their own properties and necessitating having to keep their windows closed for peace of mind and to be able to sleep at night, which during the summer months they find unacceptable.

Whilst the existing issues and concerns relating to the proposed intensification in the use of this site for events is noted, the Council's Environmental Health Officer is of the opinion that the additional 25 events should not lead to any undue disturbance or nuisance to local residents provided they are appropriately controlled. To this end he has proposed a number of conditions that would apply to the additional 25 events that he feels should acceptably limit their impact including:

1. Restricting these events to non-music events so that only incidental and acoustic music can be played.
2. Restricting music noise levels for these events so that they do not exceed the background noise

level by more than 15 dB(A) over any 15 minute period between the hours of 09.00 and 23.00.

3. Where any of these additional events continue or are held between the hours of 23.00 and 09.00 the music shall not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

The EH Officer has gone on to clarify that incidental music is that which cannot be heard beyond the site boundary and is incidental to any other activity at the venue as opposed to music which forms part of the main activity, such as a disco or concert. Essentially it is background music.

The effect of these conditions would be to control the nature of the proposed additional events so that there is no increase in the number of music events held on site over and above that which can already be carried out, i.e. it remains limited to 15 music events in total per year. Further to this, the applicant has provided a noise assessment carried out by a qualified noise consultant, as requested by the EH Officer, to establish the background noise level at the nearest sensitive receptors, when there are no events at Old Oak Farm. The EH Officer has confirmed that he is satisfied with the submitted report. It is understood that this baseline information is to be used for the purpose of assessing noise levels generated by the events to ensure that they comply with the requirements of condition 2 above proposed by the EH Officer.

For these reasons and on the basis of the EH Officer's findings it is concluded that the proposed additional events will not result in any demonstrable harm to the residential amenity of local residents.

Visual impact

As previously noted, the applicant is not seeking to extend the period of time when the marquee is erected on site and so this will remain limited to 5 months per calendar year, i.e. 1st May to 30th September, and no additional structures are being sought in conjunction with the use of the site from that already agreed. On this basis it is accepted that the proposal will not give rise to any new substantive visual amenity impacts or setting issues in relation to the nearby Conservation Area.

Traffic impacts / Highway Safety

The access arrangements to the site remain unaltered to that existing, which has previously been found to be a safe and suitable form of access to serve the events business. The parking arrangements also remain unaltered. Consideration of the impact of the events in regard to traffic generation and the local road network were considered under the earlier applications and no capacity or safety issues have been raised. Whilst the current proposal is seeking to increase the frequency of events held at this site, the scale and nature of the additional events will be no greater than those currently being held. No objections have been raised by the Highway Authority in respect of either highway safety or traffic impact and for the reasons given above it would be unreasonable to object to this application on highway related issues.

Summary

In all other respects the proposal is not considered to give rise to any other significant environmental concerns and for the reasons given above is considered to be an appropriate form of development that respects neighbour amenity, visual amenity as well as highway safety. The application is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

The proposal, due to its nature, location and layout, is considered to be an appropriate and sustainable form of development that will enable the expansion of this established business to the benefit of the rural economy without resulting in any demonstrable harm to residential amenity, visual amenity, highway safety or other environmental concern, in accordance with the aims and objectives of policies SD1, EP4,

TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: '1:2500 Amended Site Location Plan', '1:2500 Location Plan Detailing Car Park and Overflow Parking' and '1:500' Site Layout Plan, received 13th February 2015 and approved in relation to planning permissions 15/00455/COU and 15/04021/S73A.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

02. The subject land including any building(s) thereon shall be used for the purposes of agriculture; and as a wedding and events venue only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the business use does not expand or intensify to an extent that would be harmful to neighbour amenity, the rural amenity of the area and highway safety, in accordance with policies EP4, TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

03. The marquee hereby approved shall only be erected on site, and used in conjunction with the use of the subject land as a wedding and events venue, between 1st May and 30th September in any one calendar year.

Reason: In the interests of visual amenity and to safeguard local landscape character, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. There shall be no more than 40 events held per calendar year on the application site and within any building(s) thereon. Live or recorded music shall be played at no more than 15 of the 40 events per calendar year. Acoustic music, that is played without the assistance of any electronic amplification, such as a PA system, as well as incidental music, may be played at all other events.

Reason: To ensure that the business use does not expand or intensify to an extent that would be harmful to the amenity of the area and highway safety, in accordance with policies EP4, TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

05. Music noise levels (MNL) (LA,eq) for the 25 'non-music' events hereby permitted shall not exceed the background noise level by more than 15 dB(A) over any 15 minute period between the hours of 09.00 and 23.00.

Reason: In the interests of neighbour amenity and the rural amenity of the area in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

06. Should any of the 25 'non-music' events hereby permitted be held between the hours of 23.00 and 09.00 then any associated music noise shall not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

Reason: In the interests of neighbour amenity and the rural amenity of the area in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

07. A register shall be kept of the use of the development hereby approved, which shall include the date, duration and nature (music or non-music) of all events held. The said register shall be made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: To ensure that the business use does not expand or intensify to an extent that would be harmful to neighbour amenity, the rural amenity of the area and highway safety, in accordance with policies EP4, TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

Informatives:

01. Statutory nuisance
The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.
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