

Committee Report

Item No: 3

Reference: DC/18/00856

Case Officer: Samantha Summers

Ward: Glemsford and Stanstead

Ward Member/s: Cllr Michael Holt and Cllr Stephen Plumb

Description of Development

Conversion of existing agricultural barn, rebuilding of linked yard buildings, removal of redundant buildings and erection of extensions to barn, creation of car park and new access to site to facilitate use for weddings, functions and events

Location

New Street Farm, New Street, Glemsford, Sudbury Suffolk CO10 7PY

Parish: Glemsford

Site Area: 1.13ha

Conservation Area: No

Listed Building: No

Received: 27/02/18

Expiry Date: 25/04/18

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Environmental Impact Assessment: N/A

Applicant: Mr & Mrs G Willemsen

Agent: Ben Elvin Planning Consultancy Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan drawing number 2134/002 (received 27/02/2018) as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Planning Application Form - received 27/02/18

Site Location Plan drawing number 2134/002 - received 27/02/18

Planning Statement – received 05/03/18

Existing block plan - received 27/02/18

Existing ground floor plan - received 27/02/18

Existing elevations - received 27/02/18

Existing roof plan - received 27/02/18

Proposed ground floor plan - received 27/02/18

Proposed elevations - received 27/02/18

Proposed roof plan - received 27/02/18
Proposed site plan / block plan - received 27/02/18
Preliminary ecological assessment February 2018 - received 27/02/18
Noise impact assessment - received 27/02/18
Map showing proposed passing places and tourism signs - received 27/02/18
Speeds and requisite visibility splays - received 27/02/18
English nature bat loft design roof space - received 27/02/18
Bat mitigation guide - received 27/02/18
Traffic report - received 27/02/18
Environmental report - received 27/02/18

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature.

PART TWO – APPLICATION BACKGROUND

History

Various prior approval and planning applications determined since 2004, primarily for agricultural development and residential conversion of buildings.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

Babergh Core Strategy 2014:

- CS1 Applying the Presumption in Favour of Sustainable Development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS12 Sustainable Design and Construction Standards
- CS15 Implementing Sustainable Development in Babergh
- CS17 The Rural Economy

Relevant saved policies of the Babergh Local Plan (Alteration No.2) 2006:

- CN01 Design Standards
- CR07 Landscaping
- CR18 Buildings in the Countryside – Non Residential

- EN22 Outdoor Lighting
- TP15 Parking Standards for New Developments

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)

List of Other Relevant Legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Previous Committee / Resolutions and Any Member Site Visit

None.

Pre-Application Advice

Discussions held with Planning Officer. Advice confirmed change of use as acceptable in principle.

Consultations and Representations

During the course of the application consultation and representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Glemsford Parish Council

Recommend refusal on basis that the development is not sustainable, is detrimental to the environment, landscape and recreational opportunity, cause light pollution, effect on a heritage asset.

Babergh and Mid Suffolk District Council – Environmental Health (Noise)

Verbal update will be given at the committee meeting.

Babergh and Mid Suffolk District Council – Heritage

No objection.

SCC - Suffolk Fire and Rescue Service

No objection. Comment regarding access and firefighting facilities, and water supplies.

SCC - Highways

No objection subject to standard condition regarding vehicle parking and loading /unloading. The applicant will need to apply to Suffolk County Council to erect tourist signing for the site as detailed in drawing No 2134/GM01.

Natural England

No comments.

Suffolk Wildlife Trust

Satisfied with the initial findings of the ecology consultant.

We note that the consultant has recommended a number of further surveys for bats on Buildings 4 and 6, and any trees to be impacted. These surveys should be undertaken prior to the determination of this application, in order to ensure that the decision is made based on all relevant material considerations and in accordance with ODPM Circular 06/2005 (sections 98 and 99).

Notwithstanding the above, we request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

SCC Archaeological Service

The proposed development site lies in an area of high archaeological potential recorded on the County Historic Environment Record. The current New Street Farm occupies the site of a Medieval sub-manor, known as "Peverells" (GFD 030). Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. The barn itself dates from the late 18th/early 19th century, and as such should be regarded as a heritage asset of at least local significance, as has been discussed in previous applications. The structure holds both historical and archaeological interest as defined under NPPF. In this regard any design to convert should be sympathetic and aim to minimise disruption to the historic fabric. Furthermore, a full and accurate record of the structure in its current form will be required to mitigate impact of the proposal.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

BMSDC ECONOMIC DEVELOPMENT

The reuse of agricultural buildings for alternative employment use is welcomed, as they help to support the rural economy and provide local job opportunities.

The growth of the tourism and leisure industry is a priority for Babergh District Council, the council's current Visitor Destination Plan (amongst many recommendations) emphasises the need to encourage visitors to come all year round. The VDP and other supporting documents can be found on our website.

The conversion of the buildings into a wedding, function & events venue is therefore supported.

SCC PROW

Public Restricted Byway 21 runs from the end of New Street northwest through New Street Farm along the existing track. Public Footpath 19 and Public Footpath 20 have junctions with Restricted Byway 21 at New Street Farm and run northeast and southwest respectively. These are indicated on the attached map.

The submitted Proposed Site Plan/Block Plan does not make reference to or show the route of, or access to, Public Footpath 20 which passes between the proposed car park and buildings, in fact the drawing suggests that new hedge and tree planting will obstruct this footpath. We suggest that a new plan is submitted that demonstrates how the Public Footpath will be accommodated within the development.

This plan also indicates that a locked gate will be erected across Restricted Byway 21 at its junction at New Street. Suffolk County Council will not be able to authorise the erection of a gate in this location and any such structure will constitute an unlawful obstruction of the Public Right of Way.

The proposed passing places are located at points where Public Footpaths 17 and 18 have a junction with New Street and therefore access to these public footpaths must not be restricted or hindered in any way. A third Public Footpath also has a junction with New Street. Anecdotal evidence indicates that this road and the connecting PROW provide a well-used local recreational amenity which could be affected by increased vehicular traffic.

B: Representations

64 households objected to the proposal and 19 letters of support were received. Summary of grounds of objection:

- *Negative effects on wildlife, environment, light pollution, air pollution, noise pollution, quality of life, traffic, pedestrian safety particularly on New Street, Plum Street and Shepherds Lane known locally as the 'Horseshoe'
- *Construction machinery noise
- *Waste and grey water impacts
- *Noise effects from fireworks
- *Negligible impact on local economy.
- *No information of what 'Events' are planned
- *Access roads are not compliant with Fire and Rescue Service width requirements for "Buildings other than Dwelling Houses"
- *Out of character with the local area.
- *Contrary to section 123 of the National Planning Policy Framework - March 2012, The Noise Policy Statement for England (NPSE) and Protocol 1-Articles 1 & 8 of the Human Rights Act
- *Unenforceable noise mitigating measures
- *Contrary to the provisions of the Human Rights Act
- *Sufficient wedding venues in Suffolk already
- *Loss of rural views

Letters of support also received.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1 The application site is located approximately 160m west of the junction of Plum Street and New Street, one kilometre west of the village of Glemsford. Glemsford is a designated 'Core Village' in the Babergh Core Strategy 2014.
- 1.2 The site comprises an existing two storey farmhouse together with an associated barn and attached/detached yard buildings located north of the farmhouse. A large pond is to the west of the barn and yard buildings. The remainder of the immediate site comprises informal woodland and grassland with arable fields beyond. A mobile phone mast is located to the rear of the site which is proposed for removal.
- 1.3 None of the buildings at the site are listed. The site is not in a Conservation Area or designated area of special landscape significance.
- 1.4 The track to the site is private, classified as a 'restricted by-way'. A number of public rights of way are located in proximity of the subject site, including public footpaths 17 and 18.

2. The Proposal

- 2.1 The application seeks full planning permission for the change of use and conversion of an agricultural barn, the rebuilding of linked yard buildings, removal of redundant buildings and erection of extensions for use as a wedding/function/event facility.
- 2.2 The supporting Planning Statement succinctly summarises the key elements of the proposal as follows:
 - Renovation and conversion of the main barn
 - Removal of existing portal-framed agricultural storage building
 - Rebuilding of existing yard building
 - Extension of main barn to form contemporary entrance lobby
 - Formation of new car park (totalling 35 car spaces and a coach parking bay)
 - Formation of new access road
 - Structural landscaping including planting atop a one metre high bund to the carpark perimeter and northern side of proposed access
 - Off-site works (including provision of two new passing places on New Street and tourism signs)
- 2.3 In respect to proposed venue operations, two full time and 12 part-time employees are expected. Hours of operation are not detailed in the application form. However, the applicant's response to Parish Council queries states the following regarding operating hours:

'Generally weddings are from approximately 2pm (or 3pm) until midnight, and can be Friday, Saturday or midweek. Conferences and general use for meetings/events would be during the normal working day, approximately 9am – 4pm'

3. The Principle of Development

- 3.1 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, amongst other things, through the conversion of existing buildings. The proposal clearly accords with paragraph 28 of the NPPF.

- 3.2 Policy CR18 provides a criteria-based approach to the conversion of existing buildings in the countryside, noting that conversions to industrial, business, community or recreational uses will be permitted subject to compliance with set criteria. Paragraph 6.64 provides the policy basis for Policy CR18, stating:

'The diversification of farm enterprises can provide an important alternative source of income and much needed additional employment opportunities in areas where jobs are scarce. There is an economic argument for retaining and re-using traditional rural buildings. In addition, it can help to protect the landscape quality and character of rural areas by retaining traditional buildings and minimising the need for the new buildings.'

- 3.3 An assessment against the criteria set out at Policy CR18 is provided below.

Landscape characteristics and biodiversity

- 3.4 The proposed works will enhance the rural appearance of the area through the removal a large steel framed farm building and derelict buildings. The replacement structures will make a far more positive contribution to the character of the immediate site and broader locale than the existing structures proposed for removal. Landscape planting is proposed to screen the new car park and details can be managed by planning condition. Details of material finishes, including colours, is best managed by planning condition. On the whole, the landscape setting will be significantly improved.
- 3.5 In respect to biodiversity, the application is supported by an Ecology Report. The report sets out a series of recommendations including precautionary methods to be undertaken to ensure the protection of species and all of these measures can be adequately managed by planning condition. It is noted that the report does not contain any indication of protected or locally rare habitats. The proposed landscaping provides opportunity to enhance the ecological value of the site.
- 3.6 Noteworthy is the inclusion of a bat loft of significant scale (17m long) in the roof void of the single storey building. The bat loft is a proposed mitigation measure, in part because it has not been possible to survey the buildings at the optimal time of year. Suffolk Wildlife Trust have stated that further bat surveys are required prior to commencement of works. The Resolution gives the Corporate Manager authority to grant planning permission following the submission and consultation of further bat surveys.

Cultural heritage

- 3.7 The subject buildings are not listed. The main barn however is of historic interest and makes a positive contribution to the landscape. The main barn is considered an undesignated heritage asset.
- 3.8 Council's Heritage Team offer no objection to the proposed scheme of physical works. The proposal secures the retention of an historic building through its conversion and renovation, a positive heritage outcome. The works proposed will in no way compromise the historic understanding of the building. It is concluded that the proposed works are acceptable in heritage terms.

Highway safety

- 3.9 There is significant local resident concern regarding the highway safety implications of the proposal. The application is supported by automatic traffic counts that suggest the lanes in question are far from capacity.

The proposed 4.8m wide access point is designed to ensure no conflict with existing farm traffic and incorporates visibility splays that are readily compliant with the Manual for Streets minimum requirements.

- 3.10 Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076 (Admin)).
- 3.11 The Highways Authority does not object to the application. The proposed passing bays are a direct response to the direction provided by the Highways Authority and would be constructed to the Authority's specifications. Application to the Highway Authority for the tourist signs would be required and there is nothing before officers to suggest that consent would not be forthcoming. The applicant proposes an advertising pack setting out a preferred route to the venue for drivers, a commonplace technique used by venue operators in countryside locations to limit traffic and associated noise/disturbance impacts.
- 3.12 It is clear the cumulative traffic impacts resulting from the development will not be 'severe' as there is sufficient capacity to accommodate the expected traffic generated by the new use.
- 3.13 Car parking provision is well above the minimum requirements set out in the 'Suffolk Guidance for Parking' document. 35 spaces are proposed when only 22 spaces are required. It is clear that a reason for refusal based on grounds of parking provision cannot be sustained.
- 3.14 In the absence of an objection from the authority charged with the responsibility of maintaining highway safety, and having regard to the 'severe' threshold promoted at paragraph 32 of the NPPF, it is difficult to substantiate a reason for refusal based on highway safety grounds.

Residential amenity

- 3.15 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 identifies that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 3.16 The nearest dwellings are located approximately 160m east of the application site. Residential amenity impacts, given the quiet rural setting, require very careful consideration.
- 3.17 Residential amenity impact assessment principally focuses on noise. The application is supported by a Noise Assessment Report. The report recommends that the majority of openings should be closed during regulated entertainment, self-closers should be used on certain doors, and enhanced acoustic glazing be fitted to external windows and the conservatory. All of these measures can be finalised through the submission of a final noise control scheme that can be secured by planning condition.

The applicant has clearly demonstrated that there is the ability to manage noise emissions effectively.

- 3.18 A sound limiting device for internal music and prohibiting amplified outdoor music after 8pm is considered necessary and appropriate in addition to the measures proposed above and these measures can be secured by planning condition. Fireworks is a concern for some residents and officers consider this a legitimate amenity consideration. A planning condition is recommended that prevents the use of fireworks at any time.
- 3.19 Noise and disturbance associated with traffic has been carefully considered by the applicant and hence the rationale for the location of the new access east of the nearest residence 'Five Gables'. The proposed access will take vehicles away from Five Gables, in essence providing a greater separation distance to the new access from Five Gables than what exists currently to the existing track. To note also is that the new access will be screened from Five Gables in time by proposed landscape planting atop a proposed one metre high bund. The location of the new access is a respectful design response, as is the proposed structural landscaping, responding positively to the constraints of the site.
- 3.20 It is considered necessary and appropriate to limit operating hours to those specified by the applicant which, in officers' opinion, are reasonable given the nature of the proposed venue events. The same applies to limiting guest numbers to ensure amenity and parking effects are adequately controlled. External lighting has the potential to cause serious amenity impacts unless sensitively designed. Lighting detail is therefore required by planning condition.
- 3.21 Concerns are raised by residents that the type of events are not specified. It is considered appropriate and necessary to limit the nature of the uses to a specified list. This is best managed by planning condition restricting changes of use within Class D properties under permitted development.
- 3.22 The farmhouse is in the same ownership as the proposed venue building. In the interests of the amenity interface it is deemed necessary the occupancy of the farmhouse is linked to the proposed venue. Again, a matter for a planning condition.

The location of the building relative to public transport infrastructure, urban centres and whether the use represents sustainable development

- 3.23 The nature of the use is one that generates vehicle movements, regardless of its location in the countryside or in an urban centre. There is no hiding from the fact that it is relatively unlikely that guests to a wedding will opt for public transport, irrespective of location. This said, there are other sustainability credentials to the proposal, most notably the re-use of an existing under-utilised building and the employment benefits that the venue will bring about.

Whether conversion can take place without significant rebuilding

- 3.24 The proposed extent of rebuilding is very limited. New structures are subordinate to the main barn, of a scale that is proportionate to the host building. The new structures will not dominate the retained building or the broader setting. The extent of rebuilding is considered necessary and reasonable to secure a viable venue operation.

Whether the building is at risk of flooding

3.25 The site is located in Flood Zone 1. The building is not at risk of flooding.

The availability of a connection to a suitable drainage system

3.26 An on-site sewerage treatment plant is proposed in the absence of a mains connection. There is nothing before officers to suggest an on-site system could not serve the scale of the development proposed.

Other Considerations

3.28 A revised site plan has been received that addresses the concerns raised by the SCC PROW Officer regarding potential PROW impacts. It is concluded that the proposal will not compromise the functioning and connectivity of the existing public footpath network in proximity of the site.

PART FOUR – CONCLUSION

4. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.

4.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

4.2 In this case the planning authority engaged at the pre-application stage of the application process, providing direction and advice regarding the merits of the preliminary proposal and application information requirements.

5. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

5.1 There are no known legal implications derived from the determination of this application.

6. Planning Balance

6.1 The proposal has been assessed in accordance with adopted development plan policies, guidance contained in the NPPF and all other material considerations. These policies seek to promote sustainable development through the economic, social and environmental roles of the planning system. The NPPF, adopted Babergh Core Strategy and Babergh Local Plan policies are supportive of the rural economy and the local natural and historic environment.

6.2 The proposal performs admirably when assessed against the criteria set out at Policy CR18 and it is also supported by the NPPF. The scheme offers positive heritage benefits. Landscaping will enhance the landscape setting as will the proposed physical works, including removal of derelict structures. Landscaping enhances biodiversity and limits amenity impacts. Provided acoustic measures are implemented and noise controlling conditions adhered to, residential amenity will be safeguarded. The Highways Authority raises no objection to the proposed increase in traffic movements resulting from the development subject to measures such as the construction of passing bays.

Proposed parking provision is well in excess of the prescribed minimum standards. Ecological impacts can be adequately mitigated and the bat loft is a welcome ecological enhancement for the area.

- 6.3 There is significant community opposition to the proposal. Concerns are principally raised in respect to highway safety, in particular pedestrian safety using the 'horse-shoe', and residential amenity, in particular noise effects. However, in the absence of an objection from the Highways Authority it is not deemed reasonable to refuse the application on highway safety grounds. The applicant has gone to some length to demonstrate how noise effects will be managed, as detailed in the supporting noise report. Provided the recommended noise mitigation measures are implemented and adhered to, and there is no reason to suggest they would not be, amenity levels for neighbouring residents will be safeguarded.

RECOMMENDATION

Subject to the receipt of additional bat surveys and agreement of Suffolk Wildlife Trust, that the Corporate Manager - Growth and Sustainable Planning be authorised to grant planning permission and that such permission be subject to the conditions as set out below:

- * Standard time limit
- * To be in accordance with approved plans and documents
- * Personal permission use – tie to farmhouse
- * Operating hours
- * Guest number limit
- * Materials details
- * Details of illumination (external lighting)
- * Highways – visibility splays
- * Highways – access details
- * Highways – surface water
- * Highways – loading/unloading implemented
- * Highways – passing bays
- * Highways – tourism signs
- * Noise – scheme of noise control
- * Noise - sound limiting device
- * Noise – external amplified music
- * Noise - no fireworks
- * Implement ecological mitigation measures
- * Landscaping scheme including tree protection measures
- * Implement landscaping scheme
- * Unexpected land contamination
- * Programme of archaeological work
- * No occupation until archaeological assessment complete
- * Foul water drainage details
- * Restriction on changes of use - specific uses only
- * Removal of permitted temporary change of use - Class D GPDO 2015