

## **Committee Report**

**Item No: 5**

**Reference:** DC/17/05507

**Case Officer:** John Pateman-Gee

**Ward:** Palgrave

**Ward Member/s:** Cllr David Burn

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### **Description of Development**

Change of use of land and farm buildings as a wedding venue, erection of kitchen and storage building, following removal of outbuildings and provision of car parking and access.

### **Location**

Marsh Farm, The Marsh, Thrandeston, Diss, Suffolk IP21 4BZ

**Parish:** Thrandeston

**Site Area:** 0.65ha

**Conservation Area:** No

**Listed Building:** Yes

**Received:** 01/11/2017

**Expiry Date:** 06/12/2017

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**Application Type:** FUL - Full Planning Application

**Development Type:** Change of Use

**Environmental Impact Assessment:** N/A

**Applicant:** Mr & Mrs P Yaxley

**Agent:** Gorniak & Mckechnie Ltd Architects and Designers

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to the Site Location Plan drawing number 100 (received 1/11/2017) 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 1/11/2017

Site Location Plan drawing number 100 - Received 1/11/2017

Layout Plan drawing number 567/17/02 REVA - Received 1/11/2017

Barn Photos - Received 1/11/2017

Proposed Elevations drawing number 301A - Received 1/11/2017

Proposed Ground Floor Plan drawing number 300A - Received 1/11/2017

Existing Ground Floor Plan drawing number 200A - Received 1/11/2017

Existing Block Plans and Elevations drawing number 103 - Received 1/11/2017

Protected Species Survey 2016 - Received 1/11/2017  
Protected Species Survey (including summer bats and birds 2017) - Received 1/11/2017  
Draft Specification of Proposed Works - Received 1/11/2017  
Planning Statement - Received 1/11/2017  
Design and Access Statement - Received 1/11/2017  
Engineers Report - Received 1/11/2017  
Engineers Plan - Wall Plate Repairs drawing number D2 - Received 1/11/2017  
Engineers Ground Floor Plan drawing number D1 - Received 1/11/2017  
Heritage Asset Assessment - Received 1/11/2017  
Proposed Block Plan drawing number 104 - Received 1/11/2017  
Noise Impact Assessment - Received 1/11/2017  
Overall Wedding Garden Design Tree Plan drawing number 567/17/04 - Received 1/11/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol/procedure adopted by the Council.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

Concurrent listed building consent application DC/17/05508, for listed building works associated with a proposed change of use to a wedding venue, is currently under consideration.

### **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**

CS05 - Mid Suffolk's Environment  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
NPPF - National Planning Policy Framework  
E10 - New Industrial and commercial development in the countryside  
E11 - Re-use and adaption of agricultural and other rural buildings  
GP01 - Design and layout of development

H16 - Protecting existing residential amenity  
HB1 - Protection of historic buildings  
HB3 - Conversions and alterations to historic buildings  
HB4 - Extensions to listed buildings  
HB5 - Preserving historic buildings through alternative uses  
HB6 - Securing the repair of listed buildings  
CL17 - Principles for farm diversification  
CL18 - Changes of use for agricultural and other rural buildings to non-residential uses  
RT16 - Tourism facilities and visitor attractions  
T9 – Parking Standards  
T10 - Highway Considerations in Development  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages

### **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 Council's Heritage Officer and Planning Officer. Advice confirmed proposal 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**

##### **Palgrave Parish Council**

Recommend refusal of the application based on the effects of the development on the local amenity; noise, traffic, and environmental disturbance.

##### **Thrandeston Parish Council**

Unanimously recommend support for the application subject to Suffolk Highways opinion on traffic use of the single track road to access the location and Mid Suffolk District Council Environmental Health setting appropriate levels of noise limitations at this rural venue with close neighbours.

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## **Babergh and Mid Suffolk District Council – Heritage**

The buildings are subject of a thorough heritage statement submitted with the application.

In principle the proposed use is expected to fit well in a historic barn, as the spatial requirements would normally be met by a typical barn complex – a large single space for celebration at the heart of a group of ancillary wings and outbuildings for associated functions and activities. This natural fit would normally be preferred to residential use, which generally requires significant subdivision of space.

Late 1900s additions of low value are to be removed, and in places to be replaced with new build. The demolitions do not adversely affect significance, and will serve to improve appreciation of the building's historic character.

The main building comprises a 5-bay barn with an early extension of two bays, separated by the remains of a timber partition. A floor has been inserted in the northern-most bays of the original barn. Although a floor is retained in the proposal, removal of partitions will allow better appreciation of the building's historic spatial qualities. The main space will remain undivided. Ancillary functions are to be accommodated within the various additions and outbuildings. Within the northern stable block, the floor structure have been altered in the past to adapt the building to changing uses, and fabric to be removed is considered less sensitive.

The threshing floor and chalk floor are to be retained, as is the distinctive combination on render and board on external walls. The unusually large clay lump wall is retained and will form a prominent original feature.

New additions are in an openly contemporary idiom and relate well to their context by adopting traditional materials and simple geometric forms. The use of metal profile sheeting for roofing is common as a replacement on farm buildings, and would serve to sustain the building's semi-industrial character.

In summary, the scheme is sensitive to the significance of the building, and would better reveal its significance while adapting it for a new use.

Recommend standard conditions.

## **Babergh and Mid Suffolk District Council – Environmental Health**

No objection subject to conditions relating to noise level measurement, fitting of a sound limiting device, no fireworks and Chinese lanterns and details of ventilation and filtration equipment.

## **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.

## **Ecology – Place Services**

Holding objection - an outline mitigation strategy for bats has not been provided within the Bat and Bird Survey. This will need to be delivered with clear instructions on how to avoid, reduce or manage any negative effects to protected species. It should give appropriate mitigation measures tailored to the individual bat species that may be present and effected by the proposed works.

## **Natural England**

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application,

as submitted, will not damage or destroy the interest features for which the Gypsy Camp Meadows, Thrandeston SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

### **Suffolk Wildlife Trust**

Recommend planning conditions:

- Ensuring that development operations are kept close to the buildings and care is taken not to disturb any semi-natural areas close to the pond or any other areas such as grassland, scrub, hedgerows or log piles, which may be used by newts outside the breeding season.
- Care is taken during the construction stage to limit building work within the boundaries of the development site.
- Measures should be taken upon completion of the project to protect the County Wildlife Site from access.
- European Protected Species Licence is in place prior to any development of the buildings taking place.

### **Babergh and Mid Suffolk District Council - Contamination**

No objection.

### **Babergh and Mid Suffolk District Council – Arboricultural Officer**

No objection. The trees affected by this proposal are of insufficient amenity value to warrant being a constraint.

## **B: Representations**

### Summary of Objections

- \* Increased traffic poses significant risk to cyclists, walkers, horse riders and to National Cycle Network route 30.
- \* Inadequate bat surveys.
- \* Inadequate great crested newt survey.
- \* No formal reptile survey.
- \* Noise
- \* Residential amenity impacts.
- \* Local roads unsuitable for proposed traffic movements.
- \* Significant road safety issues.
- \* Property devaluation.
- \* Disturbance to wildlife.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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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 one kilometre south of the Old Bury Road (A143), west of the London – Norwich rail line. Principal access is via Mellis Road. The site comprises

redundant former agricultural buildings, hard standing, and garden area, all within the curtilage of the dwelling house 'Marsh Farm'.

- 1.2. The farmhouse is Grade II listed. The buildings subject of the conversion are curtilage listed. It is noted that the applicants, and operators of the proposed wedding venue, reside in the farmhouse.
- 1.3. The site is relatively isolated, located in the countryside, surrounded by agricultural fields and associated tree lined fences. The nearest dwelling to the site is located on the opposite side of the London – Norwich rail line, approximately 150m east of the site. The village of Thrandeston, and the Thrandeston conservation area, are located some 350m east of the site.

## **2. The Proposal**

- 2.1. The application comprises the change of use of land and buildings as a wedding venue with associated car parking for up to 140 guests (anticipated average 90 guests). The building to be converted is a redundant agricultural barn in a state of disrepair. The car parking area, north of the subject building, is to accommodate 70 car spaces. Vehicle access to the site will be via the existing access track from the public highway, with no change proposed to the existing access arrangement.
- 2.2. Key elements of the proposed physical works are as follows:
  - Removal of derelict, ad hoc building additions;
  - Repair, restore and convert the historic barns, including brick stable building and main barn
  - Construct a modest extension
  - Hard and soft landscaping to garden areas, including cantilevered deck over pond and ceremonial path to lawns and terraces with associated steps and ramps.
  - Removal of 15 trees to facilitate the proposed 70 space car park area.
- 2.3. The submitted Design and Access Statement provides details of the operation of the venue. Two full time and 14 part-time employees are expected. The venue would be expected to be used mainly during weekends and usually no more than once per week, mostly from May to October. Exact hours of operation are not detailed in the application.

## **3. The Principle of Development**

- 3.1. The principle of development enjoys substantial local policy support. The re-use and adaptation of agricultural buildings for commercial use is expressly supported by local Policy E11.
- 3.2. Policy CL18 sets out a presumption in favour of the change of use of rural buildings for non-residential purposes, especially those which contribute positively to the character and appearance of their surroundings.
- 3.3. Policy HB5 seeks to preserve historic assets through alternative uses. The proposed restoration, preservation, and re-use of the historic assets, combined with the removal of unsympathetic additions, will conserve and enhance heritage character, and is in full support of Policy HB5.
- 3.4. The preservation of the curtilage listed buildings, and their re-use and adaption, complies with Policy CS2.

#### **4. Sustainability Assessment of Proposal**

- 4.1 NPPF identifies the achievement of sustainable development as a core purpose of the planning system, to be performed through the economic, social and environmental roles of planning. These entail the building of a strong, responsive and competitive economy, a strong, vibrant and healthy community whilst protecting and enhancing the natural, built and historic environment.
- 4.2 The NPPF advises that planning should operate to encourage sustainable economic growth rather than impede it. Paragraph 28 states that planning policies should support economic growth in rural areas by inter alia:
- supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
  - promoting the development and diversification of agricultural and other land-based rural businesses;
  - and supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 4.3 The proposal, comprising of a rural tourism venture, facilitated by the conversion of a valued historic asset, directly supports the above national policy objectives. The proposal accords with the principles of sustainable development.

#### **5. Character and Appearance of the Area**

- 5.1 The detailed design of the conversion works have been carefully considered and are respectful of the existing farm buildings and neighbouring farmhouse. The removal of ad hoc, unsympathetic additions is welcomed. The valued historic elements are restored and re-used, consistent with good heritage practice. The character and appearance of the area will be enhanced, with general visual amenity greatly improved, consistent with Policy GP01.

#### **6. Listed Building Setting**

- 6.1 Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.2 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.3 Historic England guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Heritage significance can be harmed through development within setting.
- 6.4 The setting of the listed farmhouse will be preserved and enhanced, primarily through the removal of more recent insensitive additions and the restoration and upgrading of the historic barns. The new build is physically separated from the listed farmhouse by a distance of approximately 26

metres, and there is no visibility between the two elements. The proposed scale, height, location, and massing ensures that the main barn remains the dominant built form feature of the site. The new build will appear subordinate to the historic buildings. The viable re-use of otherwise redundant farm buildings ensures their long-term preservation, a positive listed setting outcome.

- 6.5 Enhancement of the listed farmhouse setting furthers Policies HB01, HB3 and HB5. The proposal is not in conflict with paragraphs 129 and 134 of the NPPF.
- 6.6 Council's Heritage Officer supports the application. Recommended conditions regarding construction detail are proposed by officers for the listed building consent (see officer report for concurrent listed building consent application DC/17/05508).

## **7. Landscape Impact**

- 7.1 Landscape impact is very much localised, with works confined largely to the domestic curtilage of the existing farmhouse. The proposal seeks to enhance the attractive landscape setting within which the historic buildings are located. The proposed hard and soft landscaping will ensure the development, in particular the proposed car park, presents as a sensitive landscape character outcome. Moreover, the site is visually well contained, with screening to site boundaries limiting views from the public domain.
- 7.2 The site does not contain any trees of significance. The loss of trees is not considered fatal to the application, with any landscape effect offset by the comprehensive landscaping plan. Council's Arboricultural Officer raises no objection to the development.

## **8. Residential Amenity**

- 8.1 Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. 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.
- 8.2 Residential amenity impact assessment principally focuses on noise. The application is supported by a noise assessment report. The report assesses expected noise emissions from music entertainment and people attending wedding ceremonies at the proposed venue. The report is informed by noise monitoring at the site late at night (when the venue will operate) and provides a noise model to calculate a noise map. The model predicts that, providing windows and doors are kept closed and sound insulation measures are implemented, noise from the venue will not adversely affect residential amenity.
- 8.3 Council's Environmental Health Officer considers the recommendations contained in the report satisfactorily address the issue of residential amenity. No objection is raised provided the recommendations in the noise report are imposed by way of planning condition, and the applicant submits detailed drawings of the wedding entertainment building to meet the specifications of acoustic glazing, acoustic doors, lobbies, wall and roof construction together with arrangements for mechanical ventilation or air conditioning equipment.
- 8.4 The Environmental Health Officer notes the applicant lives at Marsh Farm House adjacent the proposed venue and recommends planning permission be subject to the applicant continuing to own both properties and reside at Marsh Farm. This recommendation is supported and the matter is proposed to be secured by planning condition.

- 8.5 Temporary permission (two years) is also recommended by the Environmental Health Officer to enable monitoring of the off-site amenity effects of the proposed operation, in particular noise. This recommendation is not supported. Monitoring of the use and its effects is most appropriately managed through imposition of planning conditions. If planning conditions cannot adequately mitigate adverse effects then permission should not be issued in the first instance. In this case, residential amenity can be adequately safeguarded by a suite of conditions and a temporary permission is therefore not judged as being necessary or appropriate.
- 8.6 It is noted the application does not specify operating hours. However, provided the acoustic measures are implemented and noise controlling conditions adhered to, the requirement to limit operating hours is not considered reasonable or necessary given the site context.

## **9. Site Access, Parking and Highway Safety Considerations**

- 9.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.
- 9.2 Policy T10 is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.
- 9.3 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)).
- 9.4 A considerable number of objections have been received regarding highway safety. Local residents raise concern that the local road network is not suitable for the likely number of traffic movements that will be generated by the proposed use. Whilst these concerns are noted, SCC Highways find the proposal to be acceptable subject to a standard highways condition regarding vehicle parking and loading/unloading. 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.
- 9.5 The proposal provides ample parking for guests, with no demand to be generated for parking places on the local road network, a positive highway outcome. Ample loading space and turning areas are provided on the site. Loading operations will not compromise highway safety. Proposed parking provision meets the objectives of Policy T9.
- 9.6 The existing access arrangement remains unchanged and is of adequate design to cater for the anticipated increase in traffic movements.
- 9.7 The proposal represents an appropriate highway safety outcome, consistent with local Policies T9 and T10.

## **10. Ecology**

- 10.1 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(5) of the *Conservation of Habitats and Species Regulations*

2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

- 10.2 An ecology report and protected species survey supports the application. The reports recommends a number of mitigation and enhancement proposals. Development will be undertaken in accordance with the recommendations of the ecology report, and a licence under the Habitats Regulations will be acquired if required, standard development industry practice. The proposed landscaping provides opportunity to enhance the ecological value of the site
- 10.3 Some residents raise concern regarding elements of the submitted ecology report, particularly in relation to the survey work undertaken. However, Natural England and the Suffolk Wildlife Trust raise no objections to the proposal. Council's Ecology Consultant raises a holding objection on the grounds only relating to the absence of an outline mitigation strategy for bats. This, together with the suggested requirements set out by the Suffolk Wildlife Trust, are proposed to be secured by planning condition. The proposal supports local Policy CL8.

### **11. Land Contamination**

- 11.1 A Phase 1 Contamination Desk Study accompanies the application. Council's Contamination Officer has reviewed the submitted study and raises no objection.

### **PART FOUR – CONCLUSION**

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

- 12.1 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.
- 12.2 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.

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

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

### **14. Planning Balance**

- 14.1 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 Mid Suffolk Local Plan and Core Strategy policies are supportive of the rural economy and the local natural and historic environment.
- 14.2 The proposal provides for significant positive heritage benefits. Landscaping works will further enhance the landscape setting. In visual terms the impacts will be very limited given the isolated countryside location. 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. The proposal enjoys significant policy support.

## **RECOMMENDATION**

That the Corporate Manager - Growth & Sustainable Planning be authorised to grant 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
- \* Implement ecological mitigation measures
- \* Implement landscaping scheme
- \* Unexpected land contamination condition
- \* Details of floodlighting
- \* Bat outline mitigation strategy
- \* Noise – LaeqT Music based entertainment noise
- \* Noise - L10 Music based entertainment noise
- \* Noise - Sound limiting device
- \* Noise - No fireworks or Chinese style lanterns
- \* Noise - Ventilation and filtration equipment
- \* Noise- Details of ventilation and filtration equipment