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Meeting	Area Planning Sub-Committee
Date	30 November 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Carr, Craghill, Crawshaw, Flinders, Gillies, Mercer, Orrell and Cullwick (Substitute for Councillor Hunter)
Apologies	Councillor Hunter

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Site	Visited by	Reason
Deighton Lodge, Rush Farm (Game Farm) York Road, Deighton	Councillors Craghill, Crawshaw, Flinders, Galvin, Mercer and Shepherd.	As the recommendation was to approve and objections had been received.
Rowntree Wharf, Navigation Road	Councillors Craghill, Crawshaw, Flinders, Galvin, Gillies, Mercer and Shepherd.	To enable Members to view the inside of the building given its listed status.
Grove House, 40-48 Penleys Grove Street	Councillors Craghill, Crawshaw, Flinders, Galvin, Gillies, Mercer and Shepherd.	As the recommendation was to approve and objections had been received.
31 Gillygate	Councillors Craghill, Crawshaw, Flinders, Mercer and Shepherd.	As the recommendation was to approve and objections had been received

## 21. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the register of interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Councillor Mercer advised that committee that, as she had registered to speak on plans item 3g (Deighton Lodge Limited, Rush Farm (Game Farm), York Road, Deighton) as Ward Councillor, she would leave the meeting after speaking and not take part in the discussion or vote on this application.

Councillor Cullwick declared a personal non prejudicial interest in plans item 3a (31 Gillygate) and 3c (31 Malvern Avenue) relating to Houses in Multiple Occupation (HMO) as he managed a small number of HMOs in the city.

*Councillor Flinders stated that, having consulted with Officers, he did not have a prejudicial interest in items 3d and e (Rowntree Wharf, Navigation Road).*

*[Amended at Committee meeting on 7 February 2018]*

## **22. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

## **23. Plans List**

Members considered a schedule of reports of the Assistant Director (Planning and Public Protection) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

### **23a) 31 Gillygate, York, YO31 7EA (17/02222/FUL)**

Members considered a full application by Mrs Tina Gavin for the conversion of a large house in multiple occupation to dwelling (use class C3) and two holiday letting bedrooms within the basement as well as alterations to the rear elevation including extension to the rear balcony.

Ms Janet Jacob, a local resident spoke to raise concerns with regard to potential loss of privacy due to garden levels, the use of the balcony and outside seating area and possible noise

disturbance. With regard to loss of privacy, officers advised that adjoining properties had outside seating areas and balconies so all three properties were in a similar situation and that the rear extension at no 29 provided an element of screening to the garden area.

One Member supported concerns raised that the lintel was out of keeping with adjoining properties.

Resolved: That the application be approved subject to the conditions listed in the report

Reason: The proposal is considered to have a neutral impact on the character and appearance of the conservation area and would not result in significant harm to residential amenity. The application complies with the policies of the draft local plan and the NPPF.

**23b) Grove House, 40 - 48 Penleys Grove Street, York, YO31 7PN (17/01129/FULM)**

Members considered a major full application by Mr R Slater for the conversion and part demolition of a former care home (use class C2) to provide 32 apartments (use class C3) with external alterations, new raised roof and first floor rear extension.

Officers provided a update to committee members. They advised that a revised consultation response had been received from the Public Realm Officer in relation to contributions for open space. The report made reference to a requirement of £8,520 towards off site sports provision. The Public Realm Officer had now advised that the City Walls (Lord Mayors Walk), and the former St Michael's Churchyard (Lord Mayor's Walk/Monkgate corner), were recognised amenity areas. They had not been the subject of 5 obligations. The value of the additional contribution was £4,530 and this would be subject to a section 106 agreement in addition to those items identified in Section 6.0 of the Committee report.

In relation to affordable housing provision, it was considered that the development was subject to the Vacant Building Credit, (VBC). The VBC comes into play where a vacant building is brought back into any lawful use, or is demolished to be

replaced by a new building. It provides a financial credit equivalent to the existing gross floor space of the existing building. On that basis the provision relates to 20% of the increase in floor space only. The applicant had advised that they had contacted a number of registered providers, none of whom had confirmed interest in taking on the unit proposed. On that basis a commuted sum was recommended.

With regard to space standards, officers advised that correspondence had been received that raised concerns regarding the size of some of the accommodation. It further made reference to a Draft Subdivision of Dwellings SPD which was approved by Cabinet in December 2012, and incorporated the approaches in the 4th Set of Changes to the City of York Local Plan (April 2005). DCLG produced a new document 'Technical Housing Standards - Nationally Described Space Standards' in March 2015, which set national standards. However, advice in the Planning Practice Guidance stated that where a local planning authority wished to require internal space standards, they should only do so by reference in their Local Plan to the new nationally described space standards in the DCLG document. A subsequent Ministerial Statement stated that

"From October 2015: Existing Local Plan, neighbourhood plan and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new technical standards where there is a relevant current Local Plan policy."

In this case City of York did not have an adopted plan, and the Pre-Publication draft carried very little weight at this stage of its process. The size of the flats was considered in terms of amenity, and whilst some of them were small, they appeared to provide an acceptable level of accommodation for future occupants in terms of space for a double bed, bathroom, seating area and kitchen.

With regard to parking, during the site visit, a neighbouring occupier had raised concern that the development would increase competition for parking along Penley's Grove Street. The site fell within R10 Resident parking zone, and it had been agreed that the site will be excluded from the zone. It was not

however possible to remove it from the adjacent parking zone (T7) which included Penley's Grove. Parking on that street was open to permit holders and 60 minute pay and display during the day. From 8pm onwards it was unrestricted. In view of this there was potential for occupants of the flats to park on this street, however the level was unquantifiable. Network Management Officers had advised that in their opinion it would be more attractive for residents to acquire a Minster Badge and park in the nearby Monk Bar car park from 6pm. Whilst officers considered that there was a potential for an impact on parking on Penley's Grove Street, and this might affect the ability of residents on that street to park, it was not considered that a reason for refusal on that basis could be sustained given the sustainable location of the site.

Officers advised that condition 10 (cycle parking) should be deleted as provision was shown on the approved plans and that an additional condition be added to cover vehicle turning areas,

Waste Management Officers had confirmed that the location and capacity of the refuse area was acceptable. However they recommended clarification that the bins could be accessed even if the bollard that secured the car park was in place. It was therefore recommended that a condition be imposed to that effect. For clarification, officers advised that paragraph 1.2 of the report made reference to the demolition of the existing single storey part of the building. However, it was only part of this extension that would be demolished.

Officers advised that the recommendation should be revised to give delegated authority to the Assistant Director to negotiate the off-site affordable housing contribution.

Janet O'Neil, the applicant's agent, addressed the committee in support of the application. She advised that the decision to retain the two smaller dormer windows was to allow better use of the roof space; the design had been amended to protect nearby trees; parking spaces would be allocated on a first come first served basis and potential residents would know whether they had a parking space or not and other options for parking nearby before they committed to purchase.

Members acknowledged that residents had been concerned about the future of Grove House and disturbance which might be caused by demolition and prolonged activity on the site. They

noted that the two residents who had raised concern had had their fears allayed at the site visit. Members agreed that the proposals would bring the site back into use and felt that the proposal was an improvement on the current building and would fit in better in relation to St John Street. They noted that it was in a sustainable location and expressed pleasure that the lime trees would be preserved as these would help define a less overbearing development.

Resolved: That DELEGATED authority be given to the Assistant Director (Planning and Public Protection) to negotiate the off-site affordable housing contribution(index linked) based on 20% of the additional floorspace to be constructed on completion of S106 agreement to secure the affordable housing contribution and contributions of £8520 (index-linked) towards off site outdoor sports provision, £4,530 (index linked) towards amenity open space and up to £5000 to amend the existing Traffic Regulation Order in respect of the Resident's Parking Zone and to extend existing parking restrictions, to APPROVE the application subject to the conditions listed in the report, the deletion of condition 10 (cycle parking), the additional conditions listed below to cover turning area and access to refuse and recycling bins.

Additional Condition

No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

Additional Condition

The bollards within the access to the site shown on the proposed site plan NOR – 472- 002 14 Rev F shall be so located as to enable access for refuse and recycling bins.

Reason: In the interest of satisfactory waste management.

Reason: In the planning balance, the site is previously developed land within a sustainable location. The provision of 32 flats will contribute towards City of York Council's housing supply.

It is considered that the revised plans have addressed concerns identified in relation to the plans as submitted in relation to the impact of the development on the trees subject to a Tree Preservation Order that front the site, and in relation to access concerns and neighbour amenity.

In accordance with paragraph 129 of the NPPF, revised plans were sought that addressed concern in relation to the impact of the development on the significance of the Conservation Area. Great weight has been given to the minor harm identified in relation to the revised plans on the setting of the conservation area in accordance with paragraph 132 of the NPPF. The harm identified is very minor, and it is considered that the public benefits of the delivery of residential development, in a sustainable location, outweighs that harm. (para134)

### **23c) 31 Malvern Avenue, York, YO26 5SF (17/01247/FUL)**

Members considered a full application by Mr Adrian Hill for the change of use from dwelling (use class C3) to house in multiple occupation (use class C4), single storey cycle store and dormers to the side and rear.

Officers advised that residents had raised concerns about the possibility of widening the crossover which could affect the trees or the verge. Officers confirmed that there was no intention to widen the crossover.

Barry Kellet, a neighbour, spoke in objection to the application. He advised Members that 60 residents had signed a petition objecting to the change of use to HMO, 93% of those were families and 7% were retired people. He advised that there was not room for two cars to park at the front as one would prevent access for the other and the proposed access for the cars would not work due to other vehicles parked on the road.

Jonathan Hall, another neighbour, also addressed the committee in objection. He expressed concerns that the report did not reflect up to date drawings. He stated that the property was not well maintained, that there was no need for student accommodation and raised concerns in relation to insufficient parking and the potential for noise disturbance in the quiet neighbourhood including possible gatherings in the large garden.

Shan Shan Chen, the agent for the applicant, then spoke in support. She advised Members that the application complied with the threshold on concentration of HMOs, would not lead to an unbalanced community and would not create a strain on drainage works. The proposed conditions in relation to parking and the cycle store complied with requirements and two medium sized cars could be manoeuvred into car parking spaces. It was envisaged though that the occupants were more like to walk, cycle or use other means of sustainable transport. She advised that she was happy to have a condition for a management plan limiting the type and number of occupants.

Officers advised that use class C4 allowed up to 6 occupants and, without a good planning reason to restrict occupancy in the use class, this wouldn't normally be restricted through a condition.

Members raised concerns in relation to: difficulty in manoeuvring into the proposed car parking spaces would lead to additional parking on street and would exacerbate existing on street parking issues; access to cycle parking and refuse bins in the front garden could be hindered by car parking; problems with drains in Holgate area; loss of family house; and an HMO would upset the balance on a street of family houses and have a detrimental impact on neighbours amenity.

Councillor Cannon then moved, and Councillor Carr seconded, a motion to refuse the application on the above grounds. On being put to the vote, the motion fell.

Other members expressed sympathy with the concerns of residents but did not accept that the application *could be*<sup>1</sup> turned down on grounds of parking, acknowledging that a family house could lead to same number of cars as an HMO. Members noted that the applicant had offered to put a management plan in place to limit occupancy to 4 people in employment. They felt



that there was a need for more properties for unrelated people and no planning reason to refuse the application.

Councillor Flinders moved and Cllr Mercer seconded a motion to approve the application. On being put to the vote, the motion was carried and it was:

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: It is considered that the proposal would not breach the guidelines set out in the Supplementary Planning Document "Controlling the Concentration of Houses in Multiple Occupancy" nor is there evidence that the use of the house as an HMO would result in significant harm to the living conditions of nearby houses. Parking provision would meet standards set out in the DCLP and is a similar arrangement to that existing at a number of nearby properties. The application complies with national guidance in the NPPF and Development Control Local Plan Policies.

*[<sup>1</sup> Amended at Committee meeting held on 7 February 2018]*

### **23d) Rowntree Wharf, Navigation Road, York (17/01905/FULM)**

Members considered a major full application by Piccadilly One Limited for the partial conversion of ground floor and first floor offices into 14 residential apartments (use class C3)

Consideration of the application for listed building consent in respect of alterations to allow the residential conversion (17/01906/LBC) took place alongside this application.

Officers advised that paragraph 4.14 of the report (Heritage Considerations) made reference to the works that would be carried out to the listed building to include:

- Removal of modern internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern metal staircase
- Alteration to the existing suspended ceiling.
- Alterations to the bin storage arrangements

- Crime prevention measures including upgraded lighting and CCTV and clear safety film to windows.

For clarification, they advised that on the ground floor, the partitions would be wrapped around the side of five existing cast iron columns within the proposed flats. A further 5 would be totally enclosed. However columns would be clearly visible within the corridor. On the first floor partition walls would be wrapped around two columns. The columns would remain intact, as such there would be no loss of historic fabric. On the ground floor columns would be clearly visible within the central corridor, with two visible on the corridor and lobby on the first floor. This approach had been considered acceptable elsewhere in the building. The tangible link of the history of the building had also been retained by the exposed brickwork within the window reveals. This was a revised approach to some parts of the building where dry lining covered such areas. Whilst not expressly mentioned within the report, this alteration to the building was taken into account in the submitted Heritage Statement and in the assessment by the Planning and Environmental Management Officer (Conservation).

With regard to consultation responses, Officers advised that Network Management (Highways) did not object to the application subject to a condition requiring details of cycle storage. They noted that site was situated in a particularly sustainable location in York city centre close to amenities public transport. Guildhall ward had the lowest number of cars per household in York with 51% of households not owning a car and 40% owning just 1. Although the site was considered to be in a sustainable location the limited off-street parking meant that without viable sustainable travel alternatives being promoted, the development had the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. In order to address this, highways sought the following contributions/measures to incentivise sustainable travel and reduce the potential impact on the highway;

- First occupiers to be offered the choice of either a free cycle or 6 month bus pass
- First occupiers to be given membership of and drive time for the city car club. This was based upon a contribution of £200 per residential dwelling.

In relation to this matter officers advised that, given that there was no approved policy for this and it was not considered

necessary to make the development acceptable in planning terms, it was not considered that the request met the tests at paragraph 122 of the CIL Regulations.

Officers advised that condition 2 should be revised to include additional plans and that two additional conditions be included to cover the installation of mist suppression/sprinkler systems and cycle parking spaces.

Janet O'Neil, as agent for the application, addressed the committee. She confirmed that, wherever possible, the proposals included retaining the historic columns on view. Cycle parking would be provided to required levels and car parking would be in the adjacent multi-storey car park. She confirmed that the refuse area would be extended to take in the additional capacity needed to include the proposed new apartments.

Members acknowledged that the applicant had addressed the issues of concern and that the proposals would bring a historic building back into use.

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions listed below.

#### Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

- TCA-288-005 2020 REV A site plan
- TCA-288-005 2001 REV A Ground Floor
- TCA-288-005 2002 REV A First Floor
- TCA-288-005 2040 Typical Sections
- TCA-288-005 106 REV A Typical partition detail
- TCA-288-005 103 REV A Walkway and fire door elevation.
- TCA-288-005 2021 CAR PARKING PLAN

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

#### Additional Condition

The removal of the secondary stair between bays 16 and 17 shall not be carried out, until the corridor

providing access to the western end of the building is operational unless suitable mist suppression/sprinkler system is installed to all apartments within the approved development.  
Reason: To maintain an appropriate means of escape for apartments.

#### Additional Condition

The apartments hereby approved shall not be occupied until one cycle space per apartment has been provided in accordance with the submitted plans, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Reason: In considering the planning balance, as some harm is identified to the significance of the listed building, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the "tilted balance" in favour of sustainable development in paragraph 14 of the NPPF. In the planning balance, Rowntree Wharf is sustainably located close to the city centre. Whilst Policy E3b (Existing and Proposed Employment Sites) of the DCLP seeks to resist the loss of existing employment sites and retain them within their current use class' the building has been marketed for six months, with no demand demonstrated for the building. In addition the principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. Furthermore, the revised plans to reduce the numbers will result in the retention of an area of offices to be occupied by the applicant.

It is not considered that the development will harm the significance of the Conservation Area. Limited harm has been identified in relation to the significance of the listed building, even taking account of the requirements of paragraph 66 of the Planning (listed building and Conservation Area) Act 1990, it is considered that the public benefits of

delivering additional residential accommodation, and securing an optimum viable use for the building, the proposal outweigh the harm identified. This is in accordance with the requirements of paragraph 134 of the NPPF.

The parking, residential amenity and flood risk implications of the scheme are acceptable when considered in the context of NPPF policy and subject to appropriate conditions. It is not considered that there are any material considerations that would outweigh the general support for the delivery of additional housing in a sustainable location.

### **23e) Rowntree Wharf, Navigation Road, York (17/01906/LBC)**

Members considered an application for listed building consent by Piccadilly One Ltd for internal alterations associated with partial conversion of the ground and first floor offices to 14 apartments.

Consideration of this application took place alongside the previous major full application (17/01905/FULM)

Officers advised that the report made reference to the works that will be carried out to the listed building to include:

- Removal of modern internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern metal staircase
- Alteration to the existing suspended ceiling.
- Alterations to the bin storage arrangements
- Crime prevention measures including upgraded lighting and CCTV and clear safety film to windows.

Officers clarified that on the ground floor, the partitions would be wrapped around the side of five existing cast iron columns within the proposed flats. A further 5 would be totally enclosed. However columns would be clearly visible within the corridor. On the first floor partition walls would be wrapped around two columns. The columns would remain intact, as such there will be no loss of historic fabric. On the ground floor columns would be clearly visible within the central corridor, with two visible on

the corridor and lobby on the first floor. This approach has been considered acceptable elsewhere in the building. The tangible link of the history of the building has also been retained by the exposed brickwork within the window reveals. This was a revised approach to some parts of the building where dry lining covered such areas.

This alteration to the building was taken into account in the submitted Heritage Statement and assessed as part of the application process.

Officers advised that condition 2 be amended to include additional plans as detailed below.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

TCA-288-005 2020 REV A site plan

TCA-288-005 2001 REV A Ground Floor

TCA-288-005 2002 Rev A First Floor

TCA-288-005 2040 Typical Sections

TCA-288-005 106 REV A Typical partition detail

TCA-288-005 103 REV A Walkway and fire door elevation.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Reason: Rowntree Wharf is a Grade II listed building and due to its height and enclosure by Wormalds Cut and the River Foss on three sides, is a landmark building in this part of the city.

Special regard has been given to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Great weight has been attributed to the harm identified, however in view of the significant changes that have

already occurred within the building, by virtue of the level of sub division, it is considered that the harm is at the lower level of less than substantial. Officers therefore consider that the benefits of delivering much needed residential accommodation in a sustainable location are sufficient to outweigh the limited harm identified. The proposal complies with the guidance within Section 12 of The NPPF, and Policy HE4 of the DCLP, and Policy D5 of the Pre-publication Draft 2017.

**23f) Holly Tree Farm, Murton Way, York, YO19 5UN  
(17/01935/FUL)**

Members considered a full application by Mr and Mrs Richardson for two storey side and single storey rear extensions (resubmission).

Councillor Mark Warters spoke in support of the application as Ward Member and on behalf of the applicant's family. He expressed his support for the proposals which would provide the family with additional space needed to accommodate parents within the family home. He advised that the house had nothing to do with the adjacent site of the same name and that the proposed extension was in keeping with the design of the existing building and would not impact on neighbouring properties. He circulated photos and a plan of the village which showed evidence of a range of additional buildings on the site in the past.

Members acknowledged the planning history of adjacent site which was under separate ownership. They noted that the officer's recommendation to refuse was because they considered that the proposed extension was disproportionate to existing building which had had a major extension in 1980 and no very special circumstances had been put forward. Members were advised that they needed to consider what weight to give to the additional buildings shown on the plan, given that there was no information over their use, and the fact that it was a long time ago to be considering them in line with current planning regulations, and then decide whether the proposed extension was a disproportionate addition over and above the size of the original building.

Some Members were in support of the officer recommendation to refuse the application as they did not feel that very special circumstances had been shown.

Councillor Flinders moved and Councillor Cannon seconded a motion to refuse the application on the grounds for refusal put forward by officers. On being put to the vote, this motion fell.

Other Members acknowledged that there was conjecture over the size of the original building and did not consider that the proposed extension was disproportionate to the building. They noted that the village street scene had changed over the years and did not feel that the proposals would be detrimental to the Green Belt, that it would aid family living and that permission should be granted.

Councillor Carr moved, and Councillor Gillies seconded, a motion to approve the application on the grounds that the proposed extension would not be disproportionate to the original building and would not harm the openness of the Green Belt. On being put to the vote, this motion was carried and it was:

Resolved: That the application be approved subject to the standard approved plans and materials conditions.

Reason: Members considered that the proposal was not a disproportionate addition to the original building and was not harmful to the openness of the Green Belt. As such the proposal complied with the National Planning Policy Framework.

**23g) Deighton Lodge Limited, Rush Farm (Game Farm), York Road, Deighton, York (17/02380/FUL)**

Members considered a full application by Mrs Carla Mitchell for the variation of condition 4 of permitted application 16/00267/FUL to increase the number of events from 15 to 25 in total in any calendar year and of condition 3 to allow the side garden to be used for wedding ceremonies.

Officers advised that two additional letters had been received from neighbouring residents which made the following comments:

- Operators already allowed music outside



- Guests congregated drinking in the field that was conditioned to be for car parking only
- The music could still be heard outside, it was not as loud as marquee weddings but it was still there. This goes to prove that the barn was not sound proof or the doors are jammed open.
- Not audible with the doors/windows closed but it was with them open
- Loud music was still a problem both at night and during the daytime
- Noise level report done by ear
- Deliveries and taxi drivers disturbed neighbours incl. late at night
- The existing bank of trees to the front reduced noise from the A19 but vehicles travelling along the access could be clearly heard
- Noise from the A19 was a constant where as noise from music varied
- Financial implications should not be taken into account
- Inadequate access with the A19

Officers also advised that the applicant's sound engineer had provided the following information:

- Comments had been made in connection with events which were not relevant to this application i.e. camping
- There had been confusion over the recent Premises Licence Application which was granted with conditions on the 9th November 2017. This was not an application to extend to the hours of an existing Premises Licence, rather a new application to facilitate an increase in the number of events
- The results of the noise survey demonstrated that the level of impact was negligible, due to both the high standard of noise insulation works undertaken on the barn, and the existing elevated levels of background noise due to the proximity of the A19, which was the dominant source of noise in the locality at all times.

Andrea Broomer, a resident of Deighton House, addressed the committee in objection to the application. She stated that an application to vary conditions 3 and 4 made a mockery of the original planning decision and she advised Members that they were disturbed by noise when weddings took place and increasing the number of events allowed would make this

disturbance more frequent. A copy of a letter of objection from Ms Broomer had been circulated to members in advance of the meeting.

Michael Morris, another local resident, also spoke in objection. He advised Members that as most weddings were held over the summer period, extending the number of potential weddings could mean that weddings could be taking place most weekends in May, June, July and August. He raised concerns that the sound test had been carried out at the quietest wedding held here so was not a true indication of the normal noise levels.

Alan Moore, Senior Acoustics Consultant at Surface Property, appointed by the applicant to carry out a noise survey, spoke in relation to the results of that survey, details of which had been circulated to members in advance of the meeting. He advised Members that the noise survey had been carried out at two locations on the site, and staff and guests were not aware that it was taking place and the results of the survey demonstrated that the level of impact was negligible.

Councillor Mercer, Ward Member, spoke in objection to the application on the grounds of noise. She advised Members that it was not possible to contain the sound when doors were opened and people left the building. With up to 200 people attending an event, this could mean up to 50 cars leaving the site at 1am, also creating a noise disturbance. She stated that residents had not received prior notice of events as promised and fireworks had been let off close to animals. Even if noise reduction measures were in place, there would always be some disturbance.

The Council's Public Protection Manager advised committee members that the issue of fireworks had been addressed and the applicant had agreed not to allow any further fireworks on the site. He acknowledged that previously there had been a number of complaints about the venue which had been dealt with but that no further complaints had been received during the year.

Discussion took place around the playing of live and recorded music. Officers advised that condition 3 required the playing of music to cease by 1am and for the site to be vacated by staff and guests not staying at the guest house by 1.30am. The premises licence conditions were more restrictive and limited

live music until 11pm and the playing of recorded music until 12 midnight. Officers clarified that both the licensing and planning conditions were relevant controls and that the applicant must comply with and abide by both, with each being enforced by different teams.

A letter had been circulated which raised concerns about the operation of the site and one member queried some information contained in this. Officers were unable to comment on the majority of these issues. They however clarified that the granting of the current planning permission had superseded the owner's use of permitted development rights to hold weddings in a marquee for up to 28 days a year.

Members acknowledged that measures were in place to limit disturbance but felt that it was very difficult to police the conditions and ensure that the doors remained closed so noise did not emanate outside. They noted that noise was created during erection/dismantling of facilities, people gathering outside, and vehicles leaving the site late and this was causing discomfort and anxiety to neighbours. They agreed that intensification of use by increasing the number of ceremonies allowed to take place would increase the number of occasions when local residents would be disturbed therefore affecting residential amenity.

Resolved: That the application be refused.

Reason: The proposed additional events would result in an intensification of the use of the site and increased noise and disturbance from guests outside of the venue building and from additional comings and going of guests and delivery vehicles including late at night and during the summer months when nearby residents may expect to be able to keep their windows open. This would result in significant harm to the existing living conditions of neighbouring properties in this rural area contrary to policy GP1 of the Draft Development Control Local Plan 2005 which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise or disturbance, National Planning Policy Framework paragraph 17 which states that planning should always seek to secure a good standard of amenity for all existing and future

occupants of land and buildings and paragraph 123 which states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on quality of life as a result of new development.

## **24. Appeals Performance and Decision Summaries**

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2017 and summarised the salient points from those appeals.

Summaries of the appeals determined were attached at Annex A to the report and appeals that currently remained outstanding were listed in Annex B.

Resolved: That the content of the report and annexes be noted.

Reason: To confirm that Members are informed of the current position in relation to planning appeals against the Council's decisions, as determined by the Planning Inspectorate.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.15 pm].