

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE			Report No. 6 (2)
Date of Meeting	27th May 2009		
Application Number	N.09.00392.COU		
Site Address	Wellington Barn, Manor Farm, Calstone-Wellington, Calne		
Proposal	Use of barn as function venue – variation to planning permission 04/03140/COU which limits use to 20 days per year		
Applicant	Mr David Maundrell		
Town/Parish Council	Calne Without		
Electoral Division	Calne Without	Unitary Member	Mrs Bryant
Grid Ref	402474 168427		
Type of application	Change of Use		
Case Officer	S T Smith	01249 706 633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Due to local concern over possible noise and disturbance, under the discretion that the scheme of delegation allows, the Area Development Manager considers it appropriate for this application to be determined by the Northern Area Planning Committee.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

Assessment of the proposal against Policy C3 of the adopted North Wiltshire Local Plan 2011, and in particular regard to issues relating to :

- Highway safety
- Noise and disturbance

3. Site Description

The proposal relates to the continued use of a former agricultural building for the hosting of functions (understood to be receptions, weddings, organisation training days and similar). The barn is already in use as a function venue.

The converted barn itself is in an isolated rural location, accessed from the public highway at end of 750m of agricultural type track. The nearest residential property is also some 700m+ distance from the barn.

4. Relevant Planning History		
Application Number	Proposal	Decision
04/03140/COU	Change of use of barn to function venue for 20 days per year	Permission 09/03/05

5. Proposal

The application seeks to amend planning permission 04/03140/COU, which restricts use of the barn to 20 days per year. Whilst there is no suggestion by the applicant that the use of the barn is required for 365 days per year, this application, if successful, would allow for such use. The 2004 permission did not restrict hours of operation.

6. Consultations

Highways

“The previous application was for 20 days a year and was acceptable from a highway point of view. It was noted at that time by our Rights of Way office that the access track would need to be properly consolidated etc. I reiterate the previous highway comments. I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:

The permission hereby granted shall relate specifically to the use applied for.”

Environmental Health Officer

“With regard to the above application we would recommend that the following condition be attached to the approval:

Noise levels arising from the proposed development shall not exceed

LA eq (15 minutes) 30dB

Nor

NR (Noise rating curve) 25

When measured at grid reference (X402467, Y168212)

Reason: To protect noise sensitive properties from the effect of noise from the proposed development.

Whilst this may seem extremely low criteria more associated with desirable levels expected inside a bedroom at night, the applicant should have no trouble in complying with the condition, due to the distance behind the noise source and any noise sensitive receptor. The fact that such a protective condition has been recommended externally and over 200m away from any residential facade should allay any concerns.”

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Six letters of objection received

Six letters of support received

Summary of key relevant points raised:

- Hours of operation and noise levels currently not controlled and should be
- Noise and disturbance from music, fireworks, people already created late into night – proposal would exacerbate
- Noise and volume of traffic though village would be greater
- Highway network is unsuitable being narrow and without passing places
- Dust generated by use of farm track access
- Provides employment opportunities
- Increases local trade
- Good example of farm diversification
- Hosts charity events for village

8. Planning Considerations

Highway safety

Although the adequacy of the local highway network has been raised as a concern by local residents, it is evident that the Highway Engineer does not raise any objection to the proposed increased use of the venue. It should be noted that the proposal will not increase the capacity of the venue (or therefore the number of vehicles likely to be accessing the site), only the frequency of its use. In this context there is considered to be no reason to disagree with this view.

Noise and disturbance

Notwithstanding the theoretical 365 day per year scope of permitting this application, frequency of use is not thought to automatically generate an unacceptable level of noise and disturbance to surrounding neighbours, provided the noise generated at the venue is adequately controlled.

For this reason, and in order to address raised concerns over current and potential future noise disturbance from the venue, the Environmental Health officer has visited the site, considered the proposal and suggested a planning condition be imposed that would allow for a maximum noise level to be specified (in this case 30dB) at a point some 150m up the access track from the public highway. Such a maximum noise level and specific geographic point from which to measure it from would create clarity and certainty for concern residents and the applicant and enforceability if exceeded.

To illustrate the meaning of the 30dB maximum suggested by the Environmental Health Officer, such a noise would sound like a secluded wood, a whisper, or the level of sound in a library. Normal conversation is between 60 and 70dB. Clearly, as suggested in the EHO comments above, a 30dB level at the reference point is extremely quiet and represents a low noise level that must be achieved. As such local residents should be reassured that meeting this level would prevent any noise problem occurring, particularly as the noise sensitive dwellings are some 200m away from the reference point.

Nevertheless, the maximum allowed level of noise at the reference point should be easily achievable largely due to the distance of Wellington Barn Function room from this location. Extra sound insulation is not thought necessary, although it is sensible for the applicant to keep the windows and doors shut. To this extent, it is thought reasonable and necessary to impose a second condition that will ensure all windows and doors are kept shut whilst the venue is in use. It

is hoped that such a condition will address any perceived existing noise and disturbance by local residents.

It should be noted that irrespective of the forgoing, in the event of a complaint regarding noise and disturbance in the future (that can be clearly established as being attributed to the use of the building), it would be entirely possible for the Environmental Health section to use separate nuisance legislation to address the situation.

9. Conclusion

The proposal to remove the restriction of use of the barn for 20 days per year is considered to be reasonable, provided suitably worded planning conditions are imposed in respect of maximum noise levels and the keeping shut of windows and doors during its use.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal to remove the restriction of use of the barn for 20 days per year is considered to be reasonable and can be adequately controlled so as to mitigate against unacceptable impacts upon residential amenity. The proposal would therefore comply with the provisions of Policy C3 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. There shall be no form of external lighting erected or installed on this building of site unless first approved in writing with the Local Planning Authority in the form of a separate planning permission in that behalf.

REASON: In the interests of the rural surroundings and wider landscape and to comply with Policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

3. At all times when the premises are in use, a sign shall be fixed near all exit doors to the premises requesting patrons to be quiet on leaving the premises.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY- NE18

4. Unless otherwise agreed in writing with the Local Planning Authority beforehand, at all times during the use of the venue, all windows and doors of the building shall be kept closed.

REASON: To minimise the potential for noise and disturbance in the interests of residential amenity.

POLICY- NE18

5. At no time shall noise levels arising from the proposed development exceed: L_{Aeq} (15 minutes) 30dB nor NR (Noise Rating curve) 25, when measured at grid reference X:402467, Y:168212.

REASON: For the avoidance of doubt and in order to protect noise sensitive residential properties from the potential effect of noise from the proposed development.

POLICY- NE18

Appendices:	None
Background Documents Used in the Preparation of this Report:	2.02, 3.06, 4.02, 5.01