

UPDATE SHEET

PLANNING COMMITTEE – 3 September 2024

**To be read in conjunction with the
Report of the Head of Planning and Infrastructure to Planning
Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

A1 24/00240/FULM Partial conversion of agricultural building to a mixed use for the purpose of a wedding venue and other functions and the erection of 10 holiday units.

Hill Farm, Willesley Wood Side, Ashby De La Zouch.

Additional Information

The following questions/queries were raised by Members at the Technical Briefing on the 28th August 2024 in relation to the suggested conditions outlined in the Committee report:

Condition 13

No fireworks or external light shows shall take place on the site during any wedding or other function.

Clarification was requested in relation to what was meant by the term ‘other function’ and whether the condition could also be widened to restrict fireworks and external light shows in connection with the proposed holiday units.

Condition 16

Use of the partially converted agricultural building to be tied to the occupation of the applicant’s property (The Granary, Hill Farm).

Clarification was requested as to how this condition would work and whether if the main house was rented out would the condition be breached. It was also requested that the full wording of the condition be provided.

Condition 20

Removal of permitted development rights under Classes B and BC of Part 4 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Clarification was requested as to how this condition would work and what it would prevent the building being changed into under permitted development.

Email correspondence has also been received from Councillor Ball (the neighbouring Ward Member) on the 30th August 2024 which outlined a need for Members of the Planning Committee to have due regard to the threat which arises to the well-established residential amenity of nearby residential receptors, and the recreational amenity enjoyed by the many visitors to Hicks Lodge and Willesley Woods. This being the over-riding concern of Councillor Ball.

The correspondence further states:

“As the name suggests, Hill Farm stands in a very elevated position, and noise travels. Indeed, residents of Eastern Donisthorpe are sometimes able to “enjoy” free-of-charge the tribute bands that perform at the Conkers amphitheatre some

2km away – but at least the noise intrusion finishes at 11pm, and it's only maybe a dozen times a year. The conditions proposed for the Hill Farm venue allow for a 1am finish, 52 times a year.

The nearest properties along Ashby Road are just 0.5km away, is it reasonable to expect residents to be kept awake until that time and potentially at that frequency? Condition 8 states that the windows and doors of the venue must be kept closed after 11pm – is that really going to work, especially on warm summer nights, of course it won't! Condition 12 states that amplified music outside the venue must finish by 7pm; is there really any need for outside music at all – as popular walking and cycling trails in Hicks Lodge and Willesley Woods lie literally on the doorstep, and the peace and tranquillity that draws so many to use them will potentially be shattered by it.

I believe the development of quality tourist accommodation in the Heart of the National Forest should be supported, but I just hope that Councillors will look closely at the proposed conditions 5 (52 events pa), 6 (1am finish), 7 (2am "lockdown"), 8 (windows/doors shut after 11pm), 11 (noise limitation) and 12 (no outside music after 7pm) and ask themselves the question:

"If the massive extension to the existing enterprise is to be successfully integrated into the Heart of the Forest, to the benefit of all, are the proposed conditions as they stand reasonable?"

I hope you'll come to the same conclusion as me, and insist on changes next Tuesday."

In addition to the above Members have also raised concerns over functions ceasing by 01:00 as well as commenting on whether the assessment of trip generation by the County Highways Authority (CHA) has taken into account the trip generation associated with the extension to the existing car park at Hicks Lodge Cycle Centre as proposed under application reference 23/01329/FULM.

Officer comment

Technical Briefing

Whilst it was only requested by Members that the full wording of condition 16 be provided, officers consider it beneficial to provide the full wording of conditions 13, 16, and 20 for review by Members in the determination of the application.

Condition 13

The full wording of condition 13 would be as follows:

No fireworks or external light shows shall be used on the site in connection with any wedding or other function subject to this approval, nor in connection with the holiday units, hereby permitted.

Reason: In the interests of the preservation of residential amenities and protection of ecological species.

The term 'other function' would relate to any other function hosted at the venue which is not a wedding and would include such functions as birthday parties, work parties, Christmas/New Year parties, and conferences.

The condition has been expanded to prevent the use of fireworks or external light shows in connection with the proposed holiday units. It should be noted, however, that the use of fireworks and external light shows would not be prevented in connection with the existing holiday units, or the applicant's property, given that no such condition was imposed on the planning permission granted under application reference 12/00897/FUL.

Condition 16

The full wording of condition 16 would be as follows:

The use of the venue, hereby permitted, shall be tied to the occupation of The Granary, Hill Farm, Willesley Wood Side, Ashby De La Zouch, Leicestershire, LE65 2UP.

Reason: To ensure the occupiers of the property have control over the venue and are aware of the potential noise and smell implications associated with the use of the venue.

Such wording of the condition is the same as that used by the Planning Inspectorate in the determination of the appeal referred to in the Committee report at Westholme, York Road, Thirsk (ref: APP/G2713/W/21/3289987) and consequently is considered to pass the tests for conditions outlined in Paragraph 56 of the NPPF.

A similar condition was also imposed on the planning permission granted under application reference 12/00297/FUL associated with the wind turbine at the site.

Effectively the condition seeks to ensure that the venue is not sold or leased so as to be independent of the occupation of The Granary given the potential impacts to residential amenities which may arise. On this basis the condition is to control the physical occupation of The Granary rather than its legal ownership and therefore if the house was rented out the terms of the condition would not be breached.

Condition 20

The full wording of condition 20 would be as follows:

Notwithstanding the provisions of Classes B and BC of Part 4 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no part of the land outlined in blue on the drawing titled Site Location plan, received by the Local Authority on the 21st August 2024, shall be used for any temporary use, unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future temporary uses in the interests of the preservation of residential amenities and highway safety.

The intention of this condition is to remove the right for any land within the ownership of the applicant, as outlined in blue on the submitted site location plan, to be used temporarily for any use as allowed under Parts B and BC of Part 4 of the Permitted Development Order. Thereby the potential for other functions to occur on such land separately to those allowed at the venue will be removed ensuring no more than 52 functions in a calendar year occur.

It also prevents the temporary use of land as a recreational campsite to ensure vehicular movements to and from the site are not increased over and above those anticipated in connection with the proposed development.

When accounting for the above the condition is to remove permitted development rights associated with the use of land, rather than the venue itself. Should planning permission be granted, and subsequently implemented, the venue would become a sui generis use and therefore planning permission would be required for any alternative use of the venue.

Councillor Ball Correspondence

Matters connected with the impacts to residential amenity and the tranquillity of the area are addressed within the Committee Report and where it is concluded that no significantly adverse impacts would arise when accounting for the consultation responses from statutory consultees, and the 'fallback' position afforded by 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed conditions are also considered to be reasonable and enforceable and thereby compliant with Paragraph 56 of the NPPF.

Notwithstanding the above, and when accounting for the comments of both Councillor Ball and Members, the applicant has confirmed their acceptance to the terms of recommended condition 6 being varied so that any wedding or other function would cease by 00:00 (midnight) and that recommended condition 7 is varied so that no wedding or other function continues after 00:00 (midnight) and that all guests and staff are off-site, or within a holiday unit by 01:00. This would seek to mitigate against the concerns raised.

Trip Generation

The County Highways Authority (CHA) has outlined that application reference 23/01329/FULM has not yet been determined. However, the trip generation associated with the development proposed under application reference 23/01329/FULM would only slightly increase background flows on the highway network when combined with the trip generation associated with the development proposed under this application. This is predominantly due to the fact that the development proposed at Hicks Lodge Cycle Centre seeks to address off-street parking shortfalls, rather than necessarily increasing the level of infrastructure on the site which would result in a significant increase in vehicular movements to those which already exist. Consequently the assessment undertaken by the CHA would not be affected and there are no objections.

RECOMMENDATION – NO CHANGES TO RECOMMENDATION, WITH RECOMMENDED CONDITIONS 6 AND 7 BEING VARIED AS FOLLOWS:

6. NO WEDDING OR OTHER FUNCTION TO COMMENCE BEFORE 12:00 AND TO CEASE BY 00:00 (MIDNIGHT).

7. NO WEDDING OR OTHER FUNCTION TO CONTINUE (INCLUDING THE PLAYING OF LIVE OR AMPLIFIED MUSIC AND THE SERVING OF FOOD AND DRINK) AFTER 00:00 (MIDNIGHT) WITH ALL GUESTS AND STAFF TO BE EITHER

**OFF-SITE OR WITHIN AN ON-SITE OR WITHIN AN ON-SITE HOLIDAY UNITS BY
01:00.**