

<u>Location:</u>	<b>Needham House Blakemore End Road Little Wymondley Hitchin Hertfordshire SG4 7JJ</b>
<u>Applicant:</u>	<b>Needham House Hotel</b>
<u>Proposal:</u>	<b>Siting of an events marquee for a temporary period of five years</b>
<u>Ref. No:</u>	19/02227/FP
<u>Officer:</u>	<b>Simon Ellis</b>

**Date of Statutory Expiry Period:** Agreed extension to 28.02.22

**Reason for Delay**

An earlier planning application for this development was refused planning permission and one of the reasons for refusal was that the site is located within the Metropolitan Green Belt and this form of development is inappropriate in the Green Belt. The emerging Local Plan (2011-2031) proposes to remove this site from the Green Belt and incorporate it within a new Category A settlement boundary of Little Wymondley. It was hoped that this position would have been clarified by now but due to the delay to the Local Plan Examination in Public (EiP) and resultant Inspector's report into the soundness of the plan this proposed removal of the site from the Green Belt has not been agreed. The site therefore remains in the Green Belt but due to the continued delay to the Local Plan it has become untenable to continue to delay the determination of this planning application.

**Reason for Referral to Committee**

This planning application has been called into Committee for determination by Cllrs Terry Tyler and George Davies on the basis of potential noise impacts and the site location within the Metropolitan Green Belt.

**Submitted Plan Nos:**

3903-PD-01 – Marquee Plans and Elevations  
3903-PD-02 – Location and Site Plan

**Associated Documents:**

Acoustic Assessment  
Design and Access Statement  
Planning Statement

## 1.0 **Policies**

### 1.1 **North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):** Policy 2 ‘Green Belt’

### 1.2 **National Planning Policy Framework (NPPF) (July 2021):**

In total but in particular:

Section 2 ‘Achieving Sustainable Development’

Section 4 ‘Decision Making’

Section 13 ‘Protecting Green Belt’

### 1.3 **Supplementary Planning Documents:**

Vehicle Parking Provision at New Development (SPD – 2011)

### 1.4 **Submission Local Plan (2011-2031) (with Modifications):**

#### **Section 2 – Strategic Policies**

SP1 - Sustainable development in North Hertfordshire;

SP2 - Settlement Hierarchy;

SP9 - Design and Sustainability;

#### **Section 3 – Development Management Policies**

WY1 – Proposed Site Allocation

D3 – Living Conditions

## 2.0 **Site Planning History**

### 2.1 Planning permission ref. 16/00415/1 – permission granted for temporary use of land for marquee between March and December until 2018

### 2.2 Planning application ref. 19/00250/FP – permission refused for the retention of marquee for the following reasons:

1. The proposed siting of a marquee for a temporary period of five years would comprise inappropriate development in the Green Belt and in the opinion of the local planning authority there are no very special circumstances apparent that would outweigh the harm caused to the Green Belt by reason of inappropriateness and harm to openness. As such, the proposed development would conflict with Section 13 of the National Planning Policy Framework, Policy 2 of the North Hertfordshire Local Plan 1996 with Alterations, and Policy SP5 of the North Hertfordshire Submission Local Plan (2011-2031).
2. The proposed marquee would likely give rise to a number and scale of events which is likely to cause harm to the living conditions of neighbouring properties by way of live/amplified music and other noise/disturbance associated with its anticipated use. As such, the proposed development would conflict with Section 15 (Paragraphs 170 and 180) of the National Planning Policy Framework, Policy 57 of the North Hertfordshire Local Plan 1996 with Alterations, and Policy D3 of the North Hertfordshire Submission Local Plan (2011-2031).

### 3.0 Representations:

### 3.1 Technical and Statutory Consultees:

#### **NHDC, Environmental Health (Noise):**

##### Noise

The last complaint received by Environmental Health was received on 17 May 2018; the case was closed on 10 January 2019 as the old marquee had been taken down. I understand that a marquee has been in use on site during 2019. Environmental Health has received no further complaints to date (9<sup>th</sup> January 2020).

I have reviewed the submitted "Noise Assessment, Needham House Hotel, Event Marquee" Report reference 1918895, dated 1<sup>st</sup> August 2019 by Sharps Redmore. The Report is a robust assessment. Music noise, external activity from people in garden and car parking activity were all assessed. It concludes no adverse impact on residential receptors subject to implementation of the following noise mitigation measures detailed in section 4.2 of Report -

- setting an internal music noise limit of 95dB LAeq;
- implementation and continuing use of a Zone Array directional speaker system and integrated level control(refer Appendix C), including use by live bands; and
- undertaking noise monitoring

The Report may be approved, see recommendation below-

#### **Recommendation**

- 1 The noise mitigation measures detailed in "Noise Assessment, Needham House Hotel, Event Marquee" Report reference 1918895, dated 1<sup>st</sup> August 2019 by Sharps Redmore, shall be fully implemented. The noise mitigation measures shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of existing residents

### 3.2 Wymondley Parish Council:

As you are already aware, a marquee was erected some time ago at Needham House, and has since been the subject of complaints – primarily due to the unacceptable effects of noise on residents.

That existing marquee is regularly used for a variety of functions, (predominantly weddings and parties, but also funeral teas and other events); and is available for use for ten months of the year, with its busiest periods at the weekends. The likelihood is that any marquee sited at Needham House would operate similarly, and the Council's objections are therefore based on first-hand experience of the current situation.

Due to complaints made about the existing marquee, the Parish Council consulted residents earlier this year regarding the then application (Case Ref No: 19/000250/FP) for erection of a marquee for five years. Respondents unanimously objected to that application for the same reasons expressed over recent months in relation to the application now before you. The reasons for their objections, which the Parish Council supports, are summarised as follows:

1. Given that marquees are nothing more than glorified tents, they are not renowned for the quality of their sound-proofing – and the Needham House example is no exception. The principle reason for opposing the application is therefore the associated nuisance caused to residents by the unacceptable noise levels emanating from the existing marquee during functions; and the detrimental effect this noise pollution has had on residents' quality of life, due to their inability to enjoy the peace and tranquillity of their home environment – particularly, (but not exclusively), during the summer months;
2. The nature of most events held in it lends itself to having the volume “cranked up” to generate a lively party atmosphere. While this might add to the enjoyment of the voluntary participants, it does precious little for the involuntary participants who are unable to enjoy a peaceful afternoon in their house or garden, (and frequently have their sleep disturbed), by the sound of loud music and clearly discernible songs – all of which can be heard by at a considerable distance, and often late into the evening or in the early hours of the morning.
3. Little effort has been made to minimise the noise pollution currently arising from the Needham House marquee – which is widespread and affects not only residents in the immediate vicinity, e.g. Waterlow Mews and Wymondley House, but also others further eastwards along Stevenage Road in Little Wymondley; and in Tower Close, (where it has been regularly heard by several residents, including through closed windows). The Council believes this is unlikely to improve in relation to this or any subsequent marquee;
4. This noise intrusion is a regular, (rather than an infrequent), nuisance; and occurs throughout the year, particularly at weekends – and regardless of the season. The practical effect is that many of the Parish residents are regularly unable to enjoy a quiet life in their houses or gardens, and/or cannot sleep, due to being subjected to loud music emanating from the marquee at all hours. It would be wholly unreasonable to inflict this upon them for a further five years;
5. There is no need for a marquee at Needham House, because there are numerous function rooms on the premises, (including the one which is the subject of retrospective planning application Case Ref No: 19/01804/FP), which are perfectly adequate to host the types of function held in the marquee. They did so for many years under past ownership, (without any negative impact on residents); and could instead be used again – thus eliminating the current noise problems;
6. This third, (essentially outdoor), wedding function facility within the Parish is unnecessary and unjustified, given its proximity to residential properties - and the resulting sustained negative impact on nearby residents of holding such functions in, essentially, an ineffectively soundproofed tent. (Similar function venues at Redcoats Farmhouse and The Priory Barns are further away from residential properties and do not impact in the same way); and

Aside from the above noise related issues, the Council also wishes to object on the basis that the site is currently located in the Green Belt and the proposal constitutes inappropriate development – there being no exceptional or very special circumstances to justify it. (You will, of course, be aware that the Wymondley Neighbourhood Plan has now been made and its policies, including those relating to development in Green

Belt land must be considered when determining planning applications within the designated area.)

The Council is grateful to you for allowing an extension of time in relation to this application; and looks forward to receiving notification of the outcome in due course.

### 3.3 **Public Comments:**

Full details can be viewed on the Council's website and Members are advised to read comments posted on the website. However, a brief summary of views expressed is set out below:

- Loud parties cause a noise nuisance for local residents and there have been several complaints, relating to events late at night taking place within the marquee;
- This is a tranquil rural area and the noise and visual impact is unacceptable;
- Green Belt policy should restrict this unsightly form of development;
- The planning history is confusing, how has this marquee been allowed to remain in place when permission has expired?

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 The application site consists of the grounds of Needham House Hotel. The Hotel is accessed off Blakemore End Road, to the west of Little Wymondley. The hotel grounds sit outside the village within open countryside. The marquee is sited in an enclosed space, on elevated land on the eastern edge of the Hotel grounds. The siting of the marquee is above the car park and is bordered by open countryside on raised ground to the east.

### 4.2 **The Proposals**

4.2.1 Full planning permission is sought for the retention of the marquee for a five year period, noting this planning application was submitted in 2019. The marquee is located to the east of the main building and measures 34m in length and 18.9m in width. It has a shallow pitched roof with a ridge height of 5.4m.

### 4.3 **Key Issues**

4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, including the latest version of the NPPF and the emerging Local Plan (now at a very advanced stage of preparation) together with the representations also listed above I consider the main issues to be addressed in the determination of this planning application are as follows:

- The principle of development on the site in the Green Belt and the overall policy basis for any decision;
- Whether the noise issues are now resolved;
- Whether this is an acceptable form of development which adjoins a site likely to be allocated for new housing development in the emerging Local Plan;
- If the development is acceptable how long should a temporary permission be granted and should there be any other mitigation, such as hours of use restrictions?

The following paragraphs address these broad issues and related detailed matters in this order before reaching conclusions on the planning balance and setting out a recommendation.

#### 4.3.2 Green Belt and Principle of Development

This development is located within the Metropolitan Green Belt and is inappropriate development in the Green Belt, which harms the Green Belt by reason of being inappropriate and any other harm (NPPF Section 13). Other harm in this context includes visual harm, noise harm and encroachment due to the sheer size of the marquee. Inappropriate development should not be permitted in the Green Belt unless the harm to the Green Belt and any other harm are outweighed by Very Special Circumstances (VSC).

4.3.3 It is however the case that the emerging Local Plan seeks to remove this site from the Green Belt to be part of a wider Category A settlement boundary of Little Wymondley. The land to the east of the hotel and south would also form part of WY1 housing allocation and would also be removed from the Green Belt.

4.3.4 The reason the determination of this planning application has been delayed is that I anticipated the Local Plan would have progressed quicker and the uncertainty over whether the site would be removed from the Green Belt would have been resolved by now. However, as there is now further delay to the Local Plan conclusion the site remains in the Green Belt and therefore remains inappropriate development. There are however, VSC in that it is likely that the Green Belt designation will be removed and this must be balanced against harm to the Green Belt and any other harm.

4.3.5 Some of the other harm is at this time unquantifiable as it relates to the conflict between the use of land as a marquee for a hotel, hosting events and potential new housing close to the site. This conflict is for future consideration but in my view the allocation of housing (i.e. the main reason the site is proposed to be removed from the Green Belt) should take precedence over the presence of a marquee.

#### 4.3.6 Noise

Looking at the noise issue relating to this development Members will note from above that there are now no longer any technical noise objections from the Council's Environmental Health team in relation to the operation of the marquee under current land use patterns in this area. This means in my view that the second reason for refusal of the earlier application is overcome. However, this equation may change with any future new housing being constructed much closer to the marquee.

4.3.7 There is no current planning application at the time of writing for housing development on the proposed WY1 housing allocation. As a consequence there is no layout plan for future housing that can be considered. However, as seems likely if housing is brought forward on this site, the use of land for the marquee would prohibit housing close to the marquee due to noise and the climate. Given the likely timescales for any planning approval I consider that the acceptability of this development in terms of noise would need to be reviewed within two years and therefore a permanent permission is not justified in my view. The applicant applied for a five year permission in 2019 so I consider that a limit on any permission should be set at 31 March 2024.

4.3.8 If the Local Plan progresses and is adopted then the site would be removed from the Green Belt and the marquee would no longer be inappropriate development. However, given there would be no Green Belt policy restriction relating to the site I would hope that if there remains a need for event space it could be accommodated in permanent, purpose built, acoustically secure new buildings/extension to existing building and that the marquee which is in my view out of keeping with the character of the area can be removed from the site permanently.

4.3.9 As well as limiting any permission for a further two years only I also recommend that the time limit for use of the event marquee is set at 11pm and at no time until after 8am on any day.

#### 4.3.10 Conclusions

Given the balance of issues discussed above I consider that a further temporary two year permission for the use of land as an event marquee is appropriate, subject to appropriate time limits on use and implementation of measures set out in the noise mitigation strategy.

#### 4.3.11 Alternative Options Considered

See discussion of case merits above.

### 5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

### 6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions;

#### 6.2 Recommended Conditions, Reasons and Informatives

##### Conditions and Reasons:

1. The use of land for the installation of an events marquee shall cease before 31 March 2024 and the land shall be reinstated to its previous condition.

Reason: In the interests of removing noisy an inappropriate development from this site close to likely future housing and in the interest of good planning and visual amenity.

2. The noise mitigation measures detailed in "Noise Assessment, Needham House Hotel, Event Marquee" Report reference 1918895, dated 1<sup>st</sup> August 2019 by Sharps Redmore, shall be fully implemented. The noise mitigation measures shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of existing residents.

3. The occupation of the marquee shall be limited to no later than 11am or before 8am on any day.

Reason: To limit the noise impact of the use and operation of the events marquee on the local noise climate.

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant prior to the submission of the planning application. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.