

6. FULL APPLICATION - SECTION 73 - VARIATION OR REMOVAL OF CONDITIONS 1, 2, 5, 6, 8, 10, 12, 13, 14 AND 15 ON APPLICATION NP/DDD/0615/0601, BROOKFIELD MANOR MAIN ROAD HATHERSAGE S32 1BB, (NP/DDD/1217/1287, P.5565, 423149 / 382957, 15/12/2017/AM)

APPLICANT: MR BRIAN EVANS

1. Introduction

- 1.1. The Authority granted planning permission for the use of land and buildings for the hosting of up to eight weddings and functions at Brookfield Manor in January 2016. Planning permission was granted temporarily for three years and subject to a number of other planning conditions to control the use.
- 1.2. The reason for granting a temporary planning permission was to allow the Authority to assess the impact of the development upon the valued characteristics of the National Park and the amenities of the local area and neighbouring properties. Therefore planning permission was therefore granted for a 'trial run' of the proposed use.
- 1.3. This application seeks planning permission to vary or remove the stated planning conditions (see the proposal section of the report for more detail on these conditions). In broad terms the application now seeks planning permission on a permanent basis along with amendments to other conditions which restrict the use.
- 1.4. Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. The Authority may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. Therefore it is possible to apply for conditions to be removed, or for their modification or relaxation. Section 73 makes it clear that in considering such an application the Authority may only consider the question of the conditions and not revisit the principle of the development.
- 1.5. Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current application. However, in terms of decision making, the application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

2. Site and Surroundings

- 2.1. Brookfield Manor is located in open countryside approximately 1.3km to the north of Hathersage. The property is a Grade II listed dwelling constructed c1825, incorporating the remains of an earlier house and extended in 1870 and set within associated parkland extending to approximately 138 acres (56 ha).
- 2.2. The property was formerly a training / conference centre but has been converted to a dwelling and offices following the grant of planning permission in 2004 and subsequently extended and altered. A bedroom block within the curtilage of the property has been converted to a pavilion.
- 2.3. The application site is within the 'Valley farmlands with villages' landscape character type as identified by the Authority's Landscape Character Assessment. The land around the estate land is characterised as the slopes and valleys with woodland landscape character type. Part of the site (on either side of Hood Brook which runs through the estate) is within Flood Zones 2 and 3.

- 2.4. Access to the site is via the private drive which runs northwards from Main Road within Hathersage. There is also a secondary access to the north along a track which joins Birley Lane. A public footpath runs through and along the eastern edge of the application site behind the car park adjacent to the pavilion building.
- 2.5. The nearest neighbouring properties are the two dwellings at Cow Close Farm (located 106m to the east of the pavilion building measured at the nearest point), Bronte Cottage approximately 240m to the north, North Lees camp site approximately 330m to the north west and Cattis Side Cottage approximately 430m to the north west.

3. Proposal

- 3.1. The application seeks to vary or remove the following conditions imposed upon planning decision notice NP/DDD/0615/0601.
- 3.2. Condition 1
- 3.3. Condition 1 restricts the planning permission to a temporary period expiring on 31 January 2019.
- 3.4. The proposal is to remove condition 1 and therefore effectively make the planning permission permanent.
- 3.5. Condition 2
- 3.6. Condition 2 specifies the approved plans, arrival and departure protocol and noise management protocol.
- 3.7. The proposal is to vary condition 2 to reflect the proposed revised arrival and departure protocol and noise protocol (which reflects the proposed amendments). It is also proposed to add reference to a new plan which shows an alternative location for a marquee to the south of and adjacent to the pavilion.
- 3.8. Condition 5
- 3.9. Condition 5 sets a limit for the noise level measured at the nearest neighbouring property Cow Close Farm and states: *“The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 32dB(A)LA90] by more than 5 dB(A) at any time. The noise levels shall be determined at the closest point, in a free field position, adjacent to the nearest dwelling house at Cow Close Farm, Hathersage which exists at the date of this planning permission”.*
- 3.10. The proposal is to vary condition 5 to the following *“The rating level of noise emitted from the site shall not exceed the prevailing background noise level by 5dB(A)”.*
- 3.11. Condition 6
- 3.12. Condition 6 states that any amplified music and amplified speeches must be played through the approved ‘Zone Array’ system and noise management protocol.
- 3.13. The proposal is to vary condition 6 to allow amplified speeches to be made without using the system.
- 3.14. Condition 8
- 3.15. Condition 8 states that no amplified music shall be played after 00:00 (midnight).
- 3.16. The proposal is to vary condition 8 to allow amplified music to be played until 00:30.

3.17. Condition 10

3.18. Condition 10 states that the hours of operation for any wedding / function (including the departure of guests) shall be limited to between the hours of 08:00 – 00:30 the following day and that all staff shall leave by no later than 01:00.

3.19. The proposal is to vary condition 10 to extend the hours of operation to 08:00 – 01:00 the following day and that all staff shall leave by no later than 01:30.

3.20. Condition 12

3.21. Condition 12 states that the hours of operation for erecting and dismantling any marquee shall be limited to 09:00 – 17:00 hours Monday to Friday and 10:00 – 16:00 on weekends and bank holidays.

3.22. The proposal is to vary condition 12 so that it only controls the erection and dismantling of the steel frame to any marquee. The hours of operation would be the same as the existing condition.

3.23. Condition 13

3.24. Condition 13 states that no marquee shall be erected other than in accordance with the specified approved plans (this effectively prevents the erection of marquees on other parts of the site).

3.25. The proposal is to vary condition 13 to include the proposed plan which shows alternative location for a marquee to the south of and adjacent to the pavilion.

3.26. Condition 14

3.27. Condition 14 states: *“No marquees shall be erected earlier than three days prior to an event and all marquees shall be fully dismantled and removed from the site within three days of the end of an event unless the next scheduled event is within seven days from the preceding event”*.

3.28. The proposal is to vary condition 14 to state that no marquee shall be erected earlier than seven days prior to an event and removed within three days of the end of an event.

3.29. Condition 15

3.30. Condition 15 restricts the maximum number of guests to 130.

3.31. The proposal is to vary condition 15 to increase the maximum number of guests to 150.

4. RECOMMENDATION

That the application be APPROVED subject to the following conditions:

- 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: the 1:10,000 location plans reference 'RB1 a' and 'RB1 b' both received by the National Park Authority on the 27 November 2015, the 1:500 'Brookfield Manor curtilage car park' plan and the 'curtilage car park location plan' both received by the National Park Authority on the 30 December 2015, the following plan numbers: '2154 PAV 3A' dated 6 April 2015, '2154 PAV 4' dated 28 August 2015, '2154 PAV 5' dated 17 September 2015, '2154 PAV 11' and '2154 PAV 12' both dated 15 October 2015, '2154 PAV 12 B' dated 22 December 2015, '2154 PAV 13 A' dated 4 December 2017, '2154 PAV 13.1' dated 4 December 2017, the revised arrival and departure protocol dated December 2017, the revised noise management protocol dated**

December 2017 and the specification for the proposed 'GP flex' system by elite GSS Ltd dated 24 December 2015, subject to the following conditions or modifications:

- 2. The development shall be limited to a period of 5 years.**
- 3. The use hereby approved shall be limited to weddings or functions held ancillary to Brookfield Manor only and for no other purposes. The existing dwelling and the buildings and land subject to this application shall be maintained as a single planning unit. The owner shall maintain a register of any wedding and function bookings (including the planned date, start time and estimated number of guests) for each calendar year which shall be made available for inspection by the Authority on request.**
- 4. The use hereby approved to host weddings and / or functions shall not take place on more than eight occasions in any one calendar year. No more than one wedding shall take place in any five day period.**
- 5. The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 32dB(A)LA90] by more than 5 dB(A) at any time. The noise levels shall be determined at the closest point, in a free field position, adjacent to the nearest dwelling house at Cow Close Farm, Hathersage which exists at the date of this planning permission.**
- 6. Amplified music (including from any pre-recorded or live performance) shall only be played through the 'Zone Array' system within appendix B of the submitted noise management protocol dated 8 October 2015.**
- 7. No amplified music shall be played outside of the pavilion building at any time.**
- 8. No amplified music shall be played after 00:30 (the day following the start of the wedding or function).**
- 9. No acoustic music shall be played after 18:00 hours.**
- 10. Details of how amplified speeches are to be controlled to be agreed before any other events take place**
- 11. The hours of operation for any wedding / function (including the departure of all guests) shall be limited to between the hours of 08:00 - 01:00 the following day. All staff shall leave by no later than 01:30 the following day.**
- 12. The hours of operation for setting up before / clearing up after any wedding / function (including clearing up and disposing of any waste following an event) shall be limited to between the hours of 08:00 - 20:00 hours Monday - Friday and 10:00 - 17:00 on Saturday, Sundays and on Bank Holidays.**
- 13. The hours of operation for erecting and dismantling the steel frame of any marquee shall be limited to between the hours of 09:00 - 17:00 hours Monday - Friday and 10:00 - 16:00 on Saturday, Sundays and on Bank Holidays.**
- 14. No marquee shall be erected other than in complete accordance with approved plans: drawing numbers '2154 PAV11', '2154 PAV 12' both dated 1 October 2015, '2154 PAV 12 B' dated 15 October 2015, '2154 PAV 13 A' dated 4 December 2017 and '2154 PAV 13.1' dated 4 December 2017.**

15. No marquee shall be erected earlier than seven days prior to an event and all marquees shall be fully dismantled and removed from the site within four days of the end of an event.
16. The total number of guests (not including staff) shall not exceed 150 at any time.
17. The acoustic screens shown on approved plans: drawing numbers '2154 PAV 3A' dated 6 April 2015 and '2154 PAV 4' dated 28 August 2015 shall be retained in position and maintained throughout the lifetime of the development hereby approved.
18. No planning permission is granted for the air cooling units shown on the specified approved plan which shall be omitted from the scheme.
19. No vehicles shall be parked other than in accordance with the following approved plans: the 1:500 'Brookfield Manor curtilage car park' plan and the 'curtilage car park location plan' both received by the National Park Authority on the 30 December 2015 and drawing number '2154 PAV 12 B' dated 22 December 2015 which show the proposed pavilion and curtilage car parks. No more than 16 vehicles shall be parked on the pavilion car park after 20:00. No vehicles shall be parked on the pavilion car park after 22:00.
20. Signage to identify the pavilion car park, curtilage car park and the proposed pick-up point shall be erected in accordance with the scheme approved by the Authority by decision notice on the 5 April 2016 (application reference NP/DIS/0216/0105).
21. Lighting shall only be installed in accordance with the scheme approved by the Authority by decision notice on the 5 April 2016 (application reference NP/DIS/0216/0105) or in accordance with an alternative scheme which shall have first been submitted to and approved in writing by the National Park Authority.
22. There shall be no firework, airborne lantern or similar displays associated with the use hereby approved carried out on site or on land within the applicant's ownership or control.

5. Key Issues

- Whether it is appropriate to grant planning permission for the proposal on a permanent basis and to vary conditions as proposed taking into account the impact of the development upon the valued characteristics of the National Park, the amenities of the local area and neighbouring properties.

6. Relevant Planning History

- 6.1. 2004: NP/DDD/0604/0649: Planning permission granted conditionally for the conversion / restoration of training / conference centre to dwelling and offices.
- 6.2. 2007: NP/DDD/0507/0465: Planning application for conversion of bedroom block to pavilion finally disposed of by the Authority.
- 6.3. 2014: NP/DDD/1214/1224: Lawful development certificate refused for an existing use – use of land and buildings for weddings and functions business.

- 6.4. The Authority determined that having considered the evidence supplied by the Applicant, evidence from third parties and its own records, the Authority is not satisfied that the Applicant has shown, on the balance of probabilities, that the land has been used for the purposes outlined in the application for a continuous period of ten years prior to the date of the application.
- 6.5. 2014: NP/DDD/0115/0060: Use of land and buildings for the hosting of weddings / functions (10 per annum). Application withdrawn prior to determination.
- 6.6. Enforcement file 14/0517: Relating to alleged use of pavilion and grounds for weddings.
- 6.7. 2016: NP/DDD/0615/0601: Planning permission granted temporarily for the hosting of weddings / functions (8 per annum) and the installation of two acoustic screens to pavilion building and external steps.
- 6.8. 2016: NP/DIS/0216/0105: Discharge of condition 19 (signage details for car parking) and condition 20 (lighting scheme).
- 6.9. Since planning permission was granted a total of four events have been held at the site.
- 6.10. The wedding held on the 29 April 2016 was monitored by the Authority's Officers. The Monitoring and Enforcement Manager and Senior Planner visited the site during the day time to confirm that the event was being prepared in accordance with the planning permission.
- 6.11. The Area Planning Manager visited the site during the evening of the 29 April 2016 at 21:30 when the event was taking place to observe how the wedding was being conducted in terms of compliance with the planning conditions. Observations were taken from within the site and from public footpaths around the site. Officers liaised with the Environmental Health Department in regard to monitoring of this event but an Officer was not available on the day to carry this out.
- 6.12. The following charitable event in 2016 and the weddings held in 2017 were not monitored by the Authority's Officers.
- 6.13. The Authority received a complaint letter following the two events held in 2016. The complaints raised were that the noise level from events was in excess of the restriction imposed by Condition 5 and that speeches were also audible. The letter also complained that the total number of guests attending on the 4 May 2016 was in breach of the upper limit of 130 imposed by Condition 15 and that there were car movements and parking in breach of the restriction imposed by Condition 18.
- 6.14. The Authority discussed these issues with the applicant following the complaint. Noise data in regard to the noise level was also requested from the complainant but this was not provided.
- 6.15. The applicant and the Authority accepted at the time that the number of guests attending on the 4 May 2016 was in excess of the permitted upper limit and it should be noted that the Director of Conservation and Planning agreed with the applicant before the event that the upper limit would not be enforced in that particular circumstance as it was a charitable event which finished at 20:00.
- 6.16. The Authority received a complaint letter following the event held on the 3 June 2017. The complaints raised were that noise from guests shouting was heard at 22:25, speeches were audible during the event, that a skip was delivered to the site at 08:30 on the

Saturday which is before condition 11 allows (no earlier than 10:00), work took place on the marquee on two occasions, 18:10 and 19:05 later than allowed by condition 12 allows (no later than 17:00). The letter also complained that work began on the marquee 9 days before the event and that it was removed 4 days after in breach of condition 14.

- 6.17. The Environmental Health Officer advises that no complaints have been received by his department in regards to the site since planning permission was granted.

7. Consultations

- 7.1. Parish Council: No comment.

- 7.2. District Council: No response received to date.

- 7.3. Highway Authority: No objection subject to no more than 8 per annum.

- 7.4. Environmental Health Officer: Raise no objections and makes the following comment:

- 7.5. *"The applicant has undertaken comprehensive noise mitigation measures to the building in which discos for the wedding functions take place. Furthermore, the applicant has taken heed of various suggestions this department has made at the time the previous planning application was made, to reduce noise emissions from functions at the site and I believe these measures have been successful in reducing noise emissions from the site during wedding functions."*

- 7.6. *The Noise Management Plan and supporting documents provided by the applicant, demonstrates that they are willing to address the potential impacts of noise on their neighbours and are keen to work with this department in reducing noise impact as much as is reasonably practicable.*

- 7.7. *However, should this application be granted and the Environmental Health Department receive subsequent noise complaints from neighbours, as a result of functions held at the site, then these shall be investigated using our usual legislative powers."*

- 7.8. Officers have spoken to the Environmental Health Officer following the receipt of representations on the application. The Environmental Health Officer has confirmed that he maintains his position. Officers have also sought advice in regard to the noise limit and wording for Condition 5, on this point the Environmental Health Officer advises that the current noise limit and wording for Condition 5 is correct and should be maintained in any permission.

8. Representations

- 8.1. A total of 14 representation letters have been received at the date this report was written. 10 letters support the application and 4 object. The reasons given are summarised below, the letters can be read in full on the website.

- 8.2. Support

8.2.1. The use of the facility has not caused a nuisance in terms of noise or other disturbance.

8.2.2. Events held have created economic benefits to local businesses and increased visitors to the area.

8.2.3. There is ample car parking on site.

8.2.4. Events will help secure the future maintenance of the estate.

8.2.5. The proposed development is a lot less commercial than the previous uses of the manor.

8.3. Object

8.3.1. There is no longstanding wedding business on this site.

8.3.2. Only three weddings have been held since temporary planning permission was granted and this is an insufficient number to support the grant of a permanent planning permission.

8.3.3. The scope of proposed changes to conditions effectively means that a different development is proposed and there is no evidence to substantiate the assertion that the proposal will not harm the National Park or the amenity of the local area and neighbouring properties.

8.3.4. No evidence has been submitted to demonstrate that the previously assessed noise base line (stated in condition 5) has changed and therefore condition 5 should not be varied.

8.3.5. Speeches and announcements have not been played through the Zone Array system and were audible from Cow Close Farm and has caused disturbance.

8.3.6. If it is not possible to broadcast speeches through the Zone Array system then this system is not appropriate and accordingly the venue is unsuitable.

8.3.7. Later departure of guests and staff increases the prospect of noise disturbance to neighbouring properties and the local area and therefore should be resisted.

8.3.8. The proposed increase in hours of operation for erecting and dismantling the steel frame of the marquee risks further disturbance from the erection and dismantling process and from movement of vehicles and noise from workers.

8.3.9. The proposed alternative location for a marquee has not been tested and the resultant noise impact and visual impact have not been considered or tested. There is no evidence of the anticipated acoustic impact.

8.3.10. The proposed increase in guest numbers will inevitably lead to harm to amenity and the valued characteristics of the National Park.

8.3.11. It is inevitable that guests from a wedding will create noise and disturbance when leaving events.

8.3.12. Noise impact from the venue in the past has been horrendous.

8.3.13. There is little or no evidence to show that surrounding properties and the campsite will not be disturbed by noise pollution.

8.3.14. Many venues restrict the hours of weddings to finish all music by 11:30 and the conditions imposed by the previous permission should not be varied.

8.3.15. The landscape impact of marquees is huge and the marquees are visible from Stanage Edge.

8.3.16. The proposal would potentially result in marquees being on site for up to 88 days per year which is not acceptable.

8.3.17. The proposal would give rise to noise pollution from traffic leaving the site particularly after midnight.

8.3.18. The proposal may lead to reduced business to the nearby campsite.

8.3.19. The wedding business is not linked to the maintenance of the estate.

8.3.20. The Environmental Health Officer has not provided sufficient data to support the application and the Officers stance.

8.3.21. The comments from the Environmental Health Officer is based on data recorded by unqualified persons on behalf of the applicant. Therefore this information must be treated with a degree of caution and should be given weight accordingly.

8.3.22. Whether a noise comprises a statutory nuisance is a different (and higher) standard than whether it is harmful to amenity and the National Park.

8.3.23. Raise concerns in regard to procedural matters.

8.3.24. Raise concerns in regard to the information submitted in support of the application.

9. Policies

9.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When National Park Authorities carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

9.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

9.3. Paragraph 115 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

9.4. Paragraph 28 of the Framework says that local planning authorities should support 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 and should promote the development and diversification of agricultural and other land-based rural businesses.

- 9.5. Paragraph 109 says that the planning system should contribute to the natural and local environment by (amongst other things) preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 123 says that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate adverse impacts on health and quality of life including through the use of planning conditions and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 9.6. Taken together, paragraphs 132 - 134 say that great weight should be given to the conservation of a designated heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional and where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Development Plan policies

- 9.7. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 9.8. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 9.9. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

Relevant Core Strategy (CS) policies: GSP1, GSP3, DS1, L1, L3, RT2 and E2

Relevant Local Plan (LP) policies: LC4, LC6, LC21, LT11 and LT18

- 9.10. Policy E2 is relevant for this proposal and says:
- 9.11. Proposals for business development in the countryside outside the Natural Zone and the named settlements in policy DS1, must take account of the following principles:
- A. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.

- B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
- C. Business use in an isolated existing or new building in the open countryside will not be permitted.
- D. Proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.
- E. Ancillary retail operations must be small scale and principally offering for sale goods which are produced at the premises (see also policy HC5).

Beyond this policy and policies RT1, RT2 and RT3, there is no scope for setting up new businesses in the countryside.

9.12. Policy RT1 is also relevant and says:

9.13. Proposals for recreation, environmental education and interpretation must conform to the following principles:

- A. The National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged.
- B. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
- C. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable.
- D. Development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.

9.14. Policies L3 and LC6 together say that all development must conserve and where possible enhance or reveal the significance of heritage assets and their settings. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.

9.15. Policy LC4 says that all development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development, paying particular attention to (amongst other things): impact on the character and setting of buildings, landscaping, form and intensity of proposed use, impact upon living conditions of communities, impact upon access and traffic levels and use of sustainable modes of transport. Policy LC4 states specifically that attention will be paid to impact upon the amenity, privacy and security of neighbouring properties.

9.16. Policy LC21 says that development that presents a risk of pollution or disturbance (which includes from noise) that could adversely affect the amenity or valued characteristics of the

area or existing recreation activities or established businesses shall not be permitted unless adequate measures to control emissions within acceptable limits are put in place.

- 9.17. LT11 and LT18 say that require adequate parking and safe access as a pre-requisite for development within the National Park.

10. Assessment

Principle

- 10.1. This application seeks to vary or remove the planning conditions imposed by the Authority. The application seeks permanent planning permission and to vary other conditions which restrict the noise limits, numbers of guests and hours of operation for various aspects of the wedding use.
- 10.2. When the Authority granted planning permission it concluded that the proposed use was acceptable in principle and that subject to planning conditions that the development would be unlikely to harm the tranquillity of the National Park or the amenity of neighbouring properties. Having had regard to the views of the Environmental Health Officer at that time the Authority considered it necessary that permission should be on a temporary basis to allow a trial run for further assessment of the impacts of the development.
- 10.3. The principle of the proposed use has therefore been established and cannot be re-visited in the determination of this application. The key issues therefore are firstly whether the trial run period has been successful and therefore whether planning permission should be granted on a permanent basis and secondly whether the other proposed variations to planning conditions are acceptable.

Whether planning permission should be granted on a permanent basis

- 10.4. Following the grant of planning permission the approved 'Zone Array' sound system has been installed along with the approved acoustic screens. Details of external lighting and signage for arriving / departing guests were also agreed by the Authority as required by the planning conditions.
- 10.5. Since planning permission was granted a total of four events have been held at the site, these are listed below:
- 10.5.1.** 29 April 2016: wedding reception, approximately 120 guests.
 - 10.5.2.** 4 May 2016: charitable event, approximately 190 guests.
 - 10.5.3.** 20 May 2017: wedding reception, approximately 50 guests.
 - 10.5.4.** 3 June 2017: wedding and reception, approximately 80 guests.
- 10.6. This is significantly less than the 8 events per year allowed by the permission, which could have resulted in 16 events over the two year period.
- 10.7. As mentioned in the planning history section of this report the first wedding held following the grant of planning permission on the 29 April 2016 was monitored by the Authority's Officers. The Monitoring and Enforcement Manager and Senior Planner visited the site during the day of the event and the Area Planning Manager visited the site during the same evening when the event was taking place taking observations from within the site and from public footpaths on the approach to and around the site. Officers liaised with the Environmental Health Department in regard to monitoring but an Officer was not available on the day to carry this out.

- 10.8. The following charitable event in 2016 and the events held in 2017 were not monitored by the Authority's Officers.
- 10.9. The Area Planning Manager visited the site at 20:30 when the wedding disco was taking place. It was observed that the marquee, lighting and parking was being carried out as approved. Noise from the event was not audible from the second set of gates entering into the domestic curtilage and it was observed that noise from music was barely audible from the drive around to the rear car park and the rear car park itself. Returning towards Hathersage on the footpath between the site and Cow Close Farm it was observed that noise from the event was not audible and views of the marquee were closed off by the landform.
- 10.10. It is acknowledged that the Authority's Officers did not monitor the site using noise equipment, however the observations were taken on site and from surrounding footpaths in the evening while the event was underway with amplified music being played through the Zone Array system and therefore it is considered that these observations should be afforded weight.
- 10.11. A complaint letter was received following this event and the event on the 4 May 2016. In regard to noise the letter complained that noise from the event was some 6dB over the limit set by planning condition and that speeches were not played through the Zone Array system and were audible. The Authority's Officers requested noise data from the complainant at the time but this was not provided. Complaint was also made about vehicle movements in the pavilion car park after 22:00, the applicant has stated that these movements were related to visitors returning to pick up disabled guests and the band collecting equipment.
- 10.12. The representation letter on the current application on behalf of the occupants of Cow Close Farm includes a noise report by NoiseAssess (NoiseAssess report). The report includes noise monitoring data of events but the majority of these events took place before planning permission was granted and the Zone Array system was installed and therefore are of limited relevance in assessing the success of the trial run period which follows the installation of the approved mitigation measures.
- 10.13. One paragraph of the report refers to the wedding reception event on the 29 April 2016 and states that the noise levels were 38 dBLAeq. The report refers to acoustic feature penalties increasing this to a rating level of 43 dB but no methodology for this is provided. Nevertheless the figures were taken by a qualified professional with calibrated equipment in the correct position at Cow Close Farm and therefore should be afforded weight.
- 10.14. A noise technical note and data has been provided by the applicant for the event on the 29 April 2016. Noise measurements were taken on behalf of the applicant on the pavilion car park boundary within the application site. This is not the noise measuring position stated in the planning condition but the technical note calculates that with the Zone Array system limited to 90 dBA that the noise level from music at the site boundary would be 45 dBA and 30 dBA at Cow Close Farm.
- 10.15. The technical note concludes that noise levels from music were controlled by the Zone Array System and would not exceed the noise limit set by planning condition. Additional noise from space heaters at the application site was identified on the night which is calculated to have given noise levels in the region of 42 dBA at Cow Close Farm.
- 10.16. The technical note and noise data provided by the applicant was recorded on the boundary of the site rather than at Cow Close Farm as stated by planning condition. Nevertheless the figures were taken using calibrated equipment and calculations in regard to noise levels at Cow Close Farm have been provided and therefore should be afforded

weight.

- 10.17. No complaints in regard to the overall noise levels have been received in regard to the three events following 29 April 2016. The complaints made in regard to the charitable event held on the 4 May 2017 and the wedding and reception held on the 3 June 2017 relate to specific concerns in regard to noise from speeches, sporadic noise from guests and the timing of deliveries and erecting and dismantling marquees.
- 10.18. There is discrepancy between the evidence for noise at the wedding reception on the 29 April 2016. Evidence from the Area Planning Manager and the applicant is that noise from music was barely audible from the site boundary at the pavilion car park and not audible from the footpath between the site and Cow Close Farm. Whereas evidence in the representation is that the noise level was 43 dB and therefore in breach of planning conditions. Such noise levels should have been audible at the footpath between the sites. The matter of noise arising from events is unresolved and there is an absence of firm evidence. This is at least partially the result of the very low numbers of events that have taken place since the current planning permission was issued.
- 10.19. The Environmental Health Officer reports that his departments has not received any complaint in regard to noise disturbance from the site and that in his view comprehensive noise mitigation measures to the pavilion have been undertaken and that the applicant has taken heed of suggestions made by the Environmental Health department during the previous application to reduce noise emissions. The conclusion from the Environmental Health Officer is that these measures have been successful in reducing noise emissions from the site. However, no noise recording which fully reflects the wording of the condition has taken place, and none has been carried out by Environmental Health.
- 10.20. Officers note that there are outstanding concerns in regard to specific instances of noise and disturbance relating to speeches, noise from guests, vehicle movements, and timings of deliveries and work to install and dismantle the marquee. These instances appear to be sporadic in nature rather than continuous and it is considered that these types of issues may result in a much lesser impact upon the tranquillity of the area and the amenity of neighbouring properties.
- 10.21. Taking all the above into account, Officers are of the view that the trial period has been of limited success (due to the small number of events which have taken place) in allowing an assessment of the impacts of the development on the amenity of the locality and in particular on neighbours, who remain concerned about noise and disturbance. It is proposed that condition 1 is not amended to allow permanent use but is amended to allow a permission for 5 years which should allow a sufficient period for the business to secure advance bookings, and also for a greater number of events to take place. This should allow a proper assessment of the impacts of the development on the locality and the amenity of neighbours. It is considered that noise limits can be set out by planning condition and that noise and disturbance from events can be controlled in a manner which conserves the tranquillity of the area and the amenity of the National Park in accordance with policies GSP3, L1, LC4, LC21 and paragraphs 109 and 123 of the Framework.

Whether proposed variations to planning conditions are acceptable

10.22. Condition 2 and 13

- 10.23. The application proposes to vary condition 2 which specifies the approved plans and approved arrival and departure and noise management protocols and also vary condition 13 which species that no marquee shall be erected other than in accordance the approved plans. The main change relates to the proposal for a marquee sited adjacent to and south of the pavilion intended to be erected for smaller events with up to 60 guests.

- 10.24. Concern has been raised in representations in regard to the visual impact of the proposed marquee and that potential noise impacts from the proposed marquee in this location has not yet been tested.
- 10.25. The proposed marquee would be sited adjacent to the pavilion and due to its smaller size would have a more limited visual and landscape impact than the approved marquee locations which have already been determined to be acceptable by the Authority. Officers acknowledge that events from the proposed marquee have not been tested from a noise point of view but any event would still be required to comply with planning conditions and the upper noise limit. Officers are satisfied that subject to this that noise and disturbance from the proposed marquee would be unlikely to be greater than levels tested during the trial run. It is therefore considered that the proposed marquee location is acceptable.
- 10.26. The proposed variations to the arrival and departure and noise management protocols relates would bring these in line with other proposed variations which are dealt with later in this report.
- 10.27. Condition 5
- 10.28. The application proposes to vary condition 5 which sets the upper noise limit relative to back ground noise levels to be measured at the nearest noise sensitive property, Cow Close Farm. The wording of this condition was initially agreed with by Officers with the Environmental Health Officer.
- 10.29. Officers share the concerns raised in representations that the wording of the proposed condition is not precise because it does not state where noise measurements are to be measured or set a figure for what background noise level is to be set at. The condition proposed by the application is therefore considered to be imprecise and therefore potentially unenforceable as a result.
- 10.30. There is no evidence to suggest that the current noise limit set is no longer appropriate and the wording of this condition follows Government guidance. The Environmental Health Officer has advised that the current wording of the condition is still appropriate and therefore should not be varied.
- 10.31. Therefore it is concluded that the current wording of this condition is appropriate because it is precise and enforceable and continues to be reasonable and necessary to allow the Authority to monitor noise levels generated by the use at the nearest residential property and enforce if necessary. If permission is granted it is therefore recommended that condition 5 is not varied as proposed but is retained in its current form.
- 10.32. Condition 6
- 10.33. The application proposes to vary condition 6 to remove the requirement for amplified speeches to be played through the Zone Array system. The reason stated by the applicant for doing this is because the Zone Array system does not successfully control the noise level of speeches and announcements bearing in mind that the Zone Array system is focused around the dance floor in the pavilion rather than seating areas for guests.
- 10.34. The evidence in the trial run does indicate that speeches remain audible from Cow Close Farm although it is not clear whether this in itself has resulted in an unacceptable noise nuisance or harm to amenity.
- 10.35. If the Zone Array system cannot mitigate the relative noise level of amplified speeches then officers agree that it is not necessary for the planning condition to specify that speeches are played through the system. It should be possible to control the noise level of amplified speeches by other means such as using compressor / limiters (as suggested in

the NoiseAssess report) to ensure that the overall noise limit is not breached. Officers consider that a further condition should be imposed requiring details of how amplified speeches are to be controlled to be agreed before any other events take place.

10.36. It is therefore recommended that condition 6 be varied to remove reference to amplified speeches.

10.37. Condition 8 and 10

10.38. The application proposes to extend the time for amplified music to cease and for guests and staff to depart by 30 minutes later than the existing limitations set by Conditions 8 and 10. Therefore if approved these conditions would require amplified music to cease at 00:30, guests to leave by 01:00 and staff to leave by 01:30.

10.39. The application states that the proposed changes would not have an adverse impact upon tranquillity and amenity as noise from music has been demonstrated to have been mitigated by the Zone Array system and because a later ending time would allow for a more phased departure of guests rather than more guests leaving at a similar time.

10.40. Concern has been raised in representations that extending the event time as proposed can only result in further disturbance from music and guests leaving later in the evening which would harm tranquillity and the amenity of nearby residents.

10.41. Officers have given careful consideration to this issue. Officers accept that the Zone Array system has successfully mitigated noise impact from amplified music such that it can comply with the noise restrictions set at Cow Close Farm. Therefore Officers are satisfied that the proposed extension for amplified music can be accommodated without harm provided it continued to be played through the Zone Array System.

10.42. The proposed change would result in guests and staff leaving the site 30 minutes later and it is accepted that noise from wedding guests especially is difficult to control and therefore there would be a likelihood of occasional disturbance. Vehicle movements from guests picking up disabled persons from the pavilion car park and the band picking up equipment would also be potentially later.

10.43. However on balance it is considered that provided that events continue to be managed in accordance with the proposed noise and parking protocols it is considered that any further disturbance would be very limited and therefore unlikely to harm the tranquillity of the area or significantly harm the amenity of neighbouring properties. It is therefore recommended that conditions 8 and 10 be varied as proposed.

10.44. Condition 12 and 14

10.45. The application proposes to vary the wording of condition 12 so only the erection and dismantling of the steel frame of any marquee is restricted to the stated times and that the remaining construction / dismantling works can be carried out until 20.00 hours during the week and 17.00 hours at weekends and bank holidays.

10.46. Officers consider that the proposed variation is reasonable as it would ensure that the noisier aspects of erecting and dismantling marquees continue to be restricted but allow greater flexibility to other works which are less likely to harm the tranquillity of the area and the amenity of neighbouring properties. It is therefore recommended that condition 12 be varied as proposed.

10.47. The application proposes to vary the wording of condition 14 to increase the time that marquees can be erected before and after an event takes place. The application states that the trial run has shown that it is not possible to comply with the existing condition because the logistics of constructing and fitting out the larger marquee in particular along with changing weather conditions means that it takes longer than the allowed three days before

an event to set up the marquee.

10.48. The proposal is to increase the period allowed so that marquees can only be erected up to 7 days before any event and 4 days after. Officers acknowledge that the proposal could potentially allow marquees to be erected on site up to 88 days per year, however, it is considered that in reality the number of days would be less because some events would utilise the smaller marquee or would have no marquee at all.

10.49. The reasoning behind this condition is to restrict the visual impact of marquees but more importantly to ensure that the marquees are actually removed when not required by events and not simply left in place. The proposed change is considered to be reasonable and given the limited visual impact of the marquees in the wider landscape Officers are satisfied that the proposed change can be accommodated without harm to the landscape, the tranquillity of the area or the amenity of neighbouring properties. It is therefore recommended that condition 14 be varied as proposed.

10.50. Condition 15

10.51. Finally, the application proposes to increase the upper limit of the total number of guests at any event from 130 to 150. There is no objection in principle to more guests attending an event. The reason for this condition was to set an upper limit as larger or unrestricted numbers of guests would increase the number of vehicle movements and increase the likelihood of disturbance from visitors especially as they arrive and leave an event. An increase in the total number of visitors would not impact upon noise levels from music.

10.52. The proposed change could potentially increase disturbance from guests, particularly when leaving the pavilion. However the proposed increase in numbers is relatively minor and provided that the events continue to be managed in accordance with approved noise and parking protocols it is considered that the proposed increase would not significantly increase the likelihood of unacceptable noise or disturbance or harm the tranquillity or amenity of the area or neighbouring properties. An upper limit is considered to remain required to retain effective control over the scale and nature of events held. It is therefore recommended that condition 15 be varied as proposed.

11. Conclusion

11.1. It is considered that there is insufficient evidence from the existing temporary permission to conclude that the impacts of events at Brookfield Manor have an acceptable impact on the amenity of the locality and on neighbours. A further temporary planning permission is proposed. Planning conditions shall be used to control various other aspects of the use. It is therefore concluded that subject to the varied conditions outlined in this report that the proposal would be in accordance with relevant policies in the Development Plan.

11.2. In coming to this conclusion Officers have had regard to all issues raised in representations and in the absence of any other material considerations the proposal is therefore recommended for approval subject to the conditions outlined in this report.

12. Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

13. List of Background Papers (not previously published)

None