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DEVELOPMENT CONTROL COMMITTEE

05 April 2011

APPLICATION NUMBER : CA//10/02125/FUL

PROPOSAL : Change of use of existing barns to wedding and conference venue. (Retrospective application).

LOCATION OF SITE : Winters Farm, Nackington Road, Lower Hardres, CT4 7AY

APPLICATION TYPE : FULL APPLICATION

DATE REGISTERED : 06 January 2011

GOVERNMENT PERFORMANCE TARGET DATE : 03 March 2011

CONTACT OFFICER : Ben Young

CONSERVATION AREA : NO

LISTED BUILDING : CURTILAGE LISTED

WARD : CHARTHAM AND STONE STREET

APPLICANT : Mr D Jackson

AGENT : SY Planning

SUMMARY:

The application seeks planning permission for the change of use of an existing barn at Winters Farm, Nackington Road, Lower Hardres, to a wedding and conference venue. This is a retrospective application. The application site is located outside the Canterbury urban area. The main issues relate to the suitability of the site for the operations proposed, in particular with regards to the amenities of neighbouring occupiers, transport, parking and the general sustainability of the site location, biodiversity and the impact upon the curtilage listed barn.

The application is reported to the Development Control Committee due to the number of objections received.

RECOMMENDATION:

Grant, Section 101 Delegation.

That the Head of Planning and Regeneration be given delegated authority to grant planning permission subject to:-

- a) the payment of a development contribution towards transportation infrastructure;
- b) the provision of a suitable Travel Plan to satisfactorily manage conference events;
- c) standard time condition and conditions concerning the restriction of amplified music to

Barn 2 only, no amplified music outside at any time, that no music should be audible from the boundary of the nearest residential property at a level above the ambient background noise level, that the land edged in blue on the site location plan should not be used for the purposes applied for (except administration), operating hours between 10:00 - 00:30 Monday-Sunday, details of an artificial bat roost and any other conditions considered appropriate by the Head of Planning and Regeneration.

SITE DESCRIPTION

Winters Farm is located on Nackington Road, to the north of Merton Lane. Winters Farmhouse itself is an attractive Grade II listed building located to the front of the site behind a tall and established hedgerow. Winters Barn is curtilage listed and consists of an L-shaped building located to the rear of the house, separated from it by an enclosed courtyard. The Barn faces into a central garden area and pond. It is surrounded by other buildings including a former stables used as accommodation for the brides and grooms. The Barn has a traditional appearance with two cart entrances, one on the east elevation and the other on the elevation facing the garden. Internally it has been separated into two function areas. A bar has also been formed as well as toilets and two kitchens.

Winters Barn has its own access separate from the farmhouse. It is located to the south of the access to the Farmhouse and leads to a newly formed car park to the east of the Barn. Public access to the Barn is through the cart entrance to the east elevation, accessed from the car park. There are other buildings on the site including a modern barn and a smaller barn of a similar age to the main Barn. These do not form part of the application, nor do the four former piggeries to the east of the application site.

In terms of the wider locality, to the north of the site is a large garden that serves Winters Farmhouse. A summerhouse and tennis courts are present. This garden adjoins Sylvan Cottage, the side boundary of which is 65-75m away from Winters Barn itself. Opposite the site, on the other side of Nackington Road to the west are Police Offices and residential properties, Holly House, Little Roydon and The Wilderness. There are also residential properties in Merton Lane and on the other side of the bridge that crosses over the A2. To the east of the site are open fields.

PROPOSED DEVELOPMENT

Planning permission is sought for the retrospective change of use of a former agricultural barn at Winters Farm to a wedding and conference venue with associated parking facilities and ancillary accommodation for the brides and grooms.

PLANNING HISTORY

There have been various applications for planning permission and listed building consent at Winters Farm although there are none of relevance to this particular application.

THE APPLICANT'S CASE

The applicant's agent has provided a very detailed Planning Statement to support the application. The following is an extract taken from the conclusion of the Planning Statement:

"Government guidance and development plan policy looks to the preservation of listed buildings in a manner which will secure their economic future, whilst still preserving the character and appearance of the building. This proposal is in accordance with this in that it provides a sustainable use for the building whereby its appearance is key to its success. The conversion has therefore been carried out in a sympathetic way to a very high standard. The proposal will therefore ensure the preservation of this listed building in accordance with Government guidance and development plan policy.

Adequate parking can be provided on site, and the site is on a bus route from the city centre

and within an easy and reasonably priced taxi fare too. There are only a few neighbours who might be affected by the use, but in any event, there is an existing licence which has taken this into account by restricting live music to certain times. Finally, biodiversity has been taken into account, and will be enhanced by the provision of bat boxes. As such, it is considered that the proposal is acceptable and that planning permission should be granted."

PLANNING POLICIES

The South East Plan:

- CC1: Strategic Policy: sustainable development in the region:** objectives relate to: use of resources, conservation/enhancement of physical/natural environment, safe & secure communities, reduction in greenhouse gasses/climate change.
N.B. LPA to ensure actions contribute to meeting objectives.
- CC6: Strategic Policy: development & promotion of sustainable & distinctive communities:** respect and enhance distinctiveness & the character of the built and natural environment. Use high quality design etc to create a sense of place.
- CC7: Strategic Policy: infrastructure:** agencies' investment programmes, role of LDD, role of development contributions.
- NRM5: Biodiversity:** avoid a net loss of biodiversity and pursue opportunities for a net gain. Protect designated sites & look for green infrastructure opportunities in new development.
- C4: Landscape management: outside national designations:** aim to protect/enhance diversity and local distinctiveness of region's landscape (informed by landscape character assessment). All development to respect/enhance local landscape character.
- BE1: Urban renaissance:** strategy to enhance quality of life, inc. infrastructure planning. Promote design solutions relevant to specific context; build on local character/distinctiveness.
Sensitive re-use of redundant/under-used buildings.
- BE6: Management of the historic environment:** protect/conservate/enhance heritage assets and their contribution to local/regional distinctiveness; appropriate regeneration of redundant or under used buildings to be encouraged.

Canterbury District Local Plan (CDLP):

- R3 -** Conversion of rural buildings to diversify the rural economy or farm business.
- R7 -** Areas of High Landscape Value: local landscape character to be protected.
- BE1 -** High quality designs, sustainable developments and specific design, amenity and landscape criteria to which the Council will have regard: cross-refers to SPGs.
- BE5 -** Preservation of listed & locally listed buildings and their settings.
- BE6 -** Extensions to listed building to preserve special character.
- NE1 -** Site surveys where protected species known or suspected.
- C1 -** 2004 Canterbury District Transport Action Plan principles to be considered
- C4 -** Transport Assessment and Travel Plan for developments with significant transport implications.
- IMP2 -** Section 106 Agreements; contributions to be sought from developers for social, recreational or community facilities.

Supplementary Planning Guidance -

Development Contributions and Heritage, Archaeology & Conservation Supplementary Planning Documents (SPDs) have been adopted by the Council and are relevant in this case.

WRITTEN REPRESENTATIONS

Four letters of objection have been received from the occupants of Sylvan Cottage, The Wilderness, Holly House and Little Roydon. These properties are all located on Nackington Road. The objections are on the following grounds:-

- That the use causes persistent and intrusive noise nuisance from the large numbers of people, significantly reducing neighbouring occupiers ability to enjoy their own home.
- The use is a problem particularly in summer months when windows are open in bedrooms. The noise and disturbance causes problems with sleeping.
- The building as converted is not fit for purpose and is inadequately insulated from noise.
- The use causes drunken behaviour. An incident where somebody was hit by a car outside the application site is referred to.
- The increased levels of traffic would impact upon local residents through noise, pollution and safety, including increased congestion and road accidents.
- That damage has been done to bats likely to have been roosting in the barns. Further noise and light pollution will affect wildlife in this area.
- That inadequate measures have been put in place to mitigate increases in traffic. The large car park would encourage increased traffic.
- The bus service referred to in the planning statement is infrequent and realistically would not be used to access the venue.
- The site is not in a rural location and indeed is part of a ribbon development. The assumption that this is a rural community with an economic need is unjustified.
- The use proposed should be assessed on the grounds that its contribution to tourism is negligible.
- Residents' views were not taken into consideration by the Council when a Premises Licence was granted.
- Nackington Road is not considered to be a busy road.

TECHNICAL CONSULTATIONS

Kent Highway Services -

Are satisfied with the proposed level of parking however recommend that an area be identified suitable for overspill parking to accommodate any abnormal peaks within the site in the interests of highway safety.

They also consider that the access should be widened to 4.1 metres where the gates are situated to allow two vehicles to pass one another. It would also be prudent to provide a passing point half way along the access to ensure vehicular conflict is kept to a minimum.

2.4 x 90m visibility sightlines should be provided at both access points, with no obstruction above 1 metre in height. Kent Highway Services are confident that adequate access arrangements as requested are achievable.

The development falls significantly short of the trigger level required for a full transport assessment and as such it is considered that the traffic generated by the development would be unlikely to be significant and that the local highway network is more than capable of accommodating the likely increase.

The site is a significant walking distance from local train stations, the most appropriate method of travel to this type of venue. The bus service on Nackington Road is relatively infrequent and poorly related to local train stations. It would be unlikely to be utilised by the majority of visitors. There are limited opportunities for visitors to travel to the venue by sustainable means.

To mitigate against this, the applicant could provide a dedicated shuttle mini bus service linking the Canterbury train stations to the site to encourage public transport. This could be secured as part of approved travel measures.

CCC - Environmental Protection -

Can confirm that a noise complaint relating to the use of the barns for parties/weddings was made. The complaint related to music noise from the barns and coincided with warmer weather during the summer. It was not possible to coincide an evening visit with a function being held in order to substantiate the complaint. During the winter months, there does not appear to be a problem.

A certain amount of soundproofing works has been carried out inside the barns; however works have been limited by the listed status of the barns. In order to minimise the possibility of any nuisance to neighbours, conditions were discussed with the applicant and placed on the Premises Licence. These included:

- No amplified music outside at any time.
- Non-amplified music outside to be limited to the area around the pond only.
- Non-amplified music outside to cease at 21:00 hours.
- Amplified music inside to be restricted to the ceremony/function room part of the barn only.
- Amplified music to be limited to 2 events (days) per week. There is no restriction on what day of the week amplified music can be played.
- No noise limiter is required; however instead the venue will work closely with the Environmental Protection Team to provide the appropriate measures to deal with any issue that may arise.

Further correspondence was received on 03.03.11. It was confirmed that the Principal Environmental Health Officer had met with the applicant and the Designated Premises Supervisor to give them some information and guidance as to acceptable noise levels for amplified entertainment from the venue and to ascertain an idea of the volume of music currently played by them.

A DJ who regularly played at weddings at the venue attended and played music at a level slightly over what he advised he would normally play. Music levels were perfectly reasonable for audience enjoyment inside and normal conversation could be held at the bar area immediately adjacent to the function room area. Outside, at the far boundary of the garden area (closest to the nearby houses) the noise was barely audible. Only when all traffic noise had died down could you faintly hear that music was being played in the distance. This level would not amount to a statutory nuisance.

Winters Barn have their own sound level meter and advice was given to them regarding appropriate decibel levels in order for the music to be played at reasonable levels so as not to cause undue disturbance. A regular monitoring routine was also suggested for them to check levels audibly and on their sound level meter during any event.

Environmental Protection has subsequently confirmed that in conjunction with Licensing, it has established a suitable noise level (85db(A) maximum at the bar area, just outside the function room, for them to work to. Winters Barns have since drawn up an Agreement that hirers/performers will have to sign. This can be monitored by Environmental Protection to check compliance if it requires.

CCC - Countryside -

The renovation of the barn is deemed unlikely to have contributed to any loss of bat populations within it. The roost itself is too old to be covered by existing legislation and if carried out today the renovations would not require a European Protected Species Licence due to the absence of any signs of significant use of the barn for breeding or other notable

use.

This development provides the opportunity to enhance the site in adherence with the Council's duty under the NERC Act 2006, Planning Policy Statement (PPS) 9 and Policy NE1 of the Local Plan. A condition requiring artificial bat roost habitat to be provided on the existing building is recommended.

DRAINAGE CONSIDERATIONS

None.

DISCUSSION

The main issues relate to the suitability of the site for the operations proposed, in particular with regards to the amenities of neighbouring occupiers, transport, parking and the general sustainability of the site location, biodiversity and the impact upon the curtilage listed barn.

Winters Barn is listed by virtue of being within the curtilage of the Grade II Listed Farmhouse. The proposal is for the retrospective conversion of Winters Barn for wedding and conference use. The barn was previously used for agricultural purposes for many years having been purchased by the owner when he bought the farmhouse. The farmhouse is lived in as a single residential dwelling and the former stable was used as his home office.

The Planning Statement submitted confirms that in 2007 the applicant's daughter held her wedding at the Barn and following this the applicant decided to make this his permanent business following retirement from his previous occupation in 2008. It is suggested that this started off in a fairly low key manner, but the applicant has carried out further work as the business has become more successful. It is stated that this year for example there are weddings booked on approximately 30 weekends.

The pre-amble to Policy R3 of the Local Plan in paragraph 5.22 states that "The City Council will allow the conversion of redundant rural buildings for uses related to agricultural diversification and rural enterprise, subject to the criteria set out in Policy R3. There is a presumption in favour of the re-use of rural buildings for business and commercial uses". Paragraph 5.23 goes on to state that "Proposals for agricultural diversification and rural enterprises will therefore need to be carefully assessed to ensure that the new use does not have a detrimental impact on the character and appearance of the building or locality, or cause an unacceptable increase in traffic on unsuitable roads".

Policy R3 itself states that the City Council will permit the conversion of existing buildings that will diversify the rural economy or an existing farm business provided that certain criteria are satisfied. It is considered that Winters Barn is of permanent and substantial construction and that it has been able to be converted without major reconstruction. Whilst some internal alterations have been carried out including the provision of a bar and toilets, nothing of significance has been done to affect the fabric of the building. The conversion has been carried out in a manner that has been sympathetic to the character and appearance of the building.

Policy HE9 of PPS5 states that "There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be". Policy BE6 of the Local Plan requires that "Proposals for extensions to, or changes of use of, a listed building which will enable the building to be used or made fit for purpose, will be approved providing that the building, its setting, and any features of special architectural or historic interest are preserved".

In this instance, as already discussed, the internal alterations carried out are considered

acceptable. Externally, a car park has been formed to the east of the building and any works to the building itself have constituted repairs and replacements. The car park is located behind an existing row of trees positioned to the east of the building. It is considered that the loose gravel surface of the car park is acceptable in this location and that it has not compromised the setting of the curtilage listed Barn.

Information accompanying the application states that the use being carried out is viable and will provide a sound economic use for the Barn for the foreseeable future. The alterations that have been carried out in this instance are considered to be sympathetic and indeed the works have been carried out to a high standard. It is considered that the alterations have been carried out to allow the building to be made fit for purpose and that putting the building into an active use with good financial return would ensure its long-term preservation and expenditure on its maintenance and upkeep as a result.

With regards to the formation of the car park to the east of the barn, it is considered that this is visually acceptable and that it does not have a detrimental impact upon the visual amenity of the wider rural locality. The development has not resulted in harm to the local landscape character of the Area of High Landscape Value and the quality of the landscape has been preserved accordingly.

Winters Farm is sited outside the designated area of Canterbury, the boundary of which is approximately 800m to the north of the site. It is worth noting that outside this area are a hospital, school and rugby club. The B2068 Stone Street is identified as a Local Route by the Canterbury Road Hierarchy in the Local Plan. Whilst technically this site is outside the built confines of Canterbury and by definition in a rural location, it is in close proximity to the ribbon development to the west side of Nackington Road. The B2068 is a busy road linking Canterbury to Hythe and there are many individual settlements on this road that are served by it.

The site provides forty car parking spaces and the applicant has indicated that he will be providing revised drawings that demonstrate overspill parking. In terms of highway safety, the revised visibility sightlines, access widening and provision of a passing point are all to be provided by the applicant to meet the requirements of Kent Highway Services. In addition to this the site is within a 40mph speed limit zone with good visibility in either direction from the access to the Barn. Provided that these amended details are as requested, it is considered that the use can be accommodated without harm to highway safety.

It is common for wedding venues to be located in rural locations, many of which are much more isolated than Winters Barn, as this is part of their attraction. This site is in close proximity to Canterbury but nonetheless is not in the most sustainable location in terms of encouraging public transport. The site is not close to the two main train stations in the City centre and the bus service that runs past the site is infrequent and does not have a designated stop at Winters Farm. There would be a reliance upon private modes of transport when accessing the site, particularly with regards to conference events at the venue.

A Travel Plan has been requested to indicate how conference events would be managed and it has been suggested that a shuttle bus could be provided by the applicant to collect visitors from the train station. This would encourage the use of public transport as opposed to reliance on private vehicles. The applicant has again indicated that this will be forthcoming and will include the provision of a designated shuttle bus.

Provided that the above Plan submitted is to the satisfaction of Kent Highway Services it is considered that the site would be able to be accessed by alternative modes of transport to the private car and would not generate levels of vehicular traffic that this busy road could not accommodate. It is acknowledged that this site is never going to be wholly sustainable in the

sense that weddings and conferences will always be likely to have a degree of reliance on private cars however it is not in an isolated rural location and is in close proximity to Canterbury. It is considered that on the basis of the above, the site is suitable for the use proposed from a sustainability perspective.

The biggest concern in the letters of representation relate to the noise and disturbance that the weddings have caused to the occupants of neighbouring residential properties particularly later in the evening in the summer when the evenings are lighter and warmer. It is clear that by their very nature, weddings would have live or recorded music both amplified and non-amplified. As set out already above, a Premises Licence has been granted by the Council's Licensing Department. Whilst Licensing and Planning are two separate areas of legislation, it should be noted that Licensing has imposed various conditions on the Premises Licence.

In particular the restrictions of no amplified music outside at any time and amplified music to be restricted to the ceremony/function room part of the barn only (Barn 2) are considered to be relevant to Planning and it is considered that these should be made conditions of any planning permission granted to limit the impact of the use upon neighbouring occupiers. Barn 2 is to the back of the site and is the furthest part of the building away from residential properties so limiting amplified music to this part of the building would be appropriate.

The neighbour at Sylvan Cottage has provided a log of forty-nine incidents dating from June 2009-November 2010 where they have been disturbed by the noise from events being held at Winters Farm. A lot of these incidents relate to the audibility of music from the amplified music being played at events and in addition it relates to noise and disturbance from people in the grounds, close to the boundary of their property.

Environmental Protection and Licensing have worked closely with the applicant to agree acceptable noise levels and it is now a condition of agreement that hirers/performers will have to keep noise levels to 85 decibels. Whilst this has been tested on the site and this level would be barely audible from outside the site, it is not considered that it would be enforceable to impose a condition restricting such noise levels. In any case these levels can be controlled by other sections of the Council and indeed can be routinely monitored if required.

It would however be appropriate to require that music should not be audible from the boundary of the nearest residential property at a level above the ambient background noise level. This would then ensure that the music should be limited to a level that would not cause undue disturbance and provided that the levels go no greater than the ambient background noise level there should not be an unacceptable impact upon residential amenity.

Concern has also been raised about people in the gardens of Winters Farm causing disturbance during events. This area of the site is outside the application site itself and people should not be using this area as overspill for events taking place. It is considered prudent to restrict any permission so that the area edged in blue (in particular the garden to the north of Winters Barn) shall not be used for the purposes applied for except for administration. This would prevent unacceptable noise and disturbance from people congregating in close proximity to the boundaries with neighbouring properties.

With regards to disturbance from comings and goings to and from the site, the access and car park are situated a good distance away from neighbouring residential properties and it is considered that as a result these would not have such a significant impact so as to create unacceptable levels of noise and disturbance. It is considered that restricting the latest operating hours of the venue until 00:30 would ensure that events do not cause any nuisance at unreasonable hours.

A survey of the barn revealed the historic use of the site by bats in the form of an old roost within the building, likely to date from more than thirty years ago. The barn was renovated approximately twenty years ago into its present form and the recent alterations internally have not been so significant as to affect the fabric of the building. The renovation of the barn is deemed unlikely to have contributed to any loss of bat populations within it. The roost itself is too old to be covered by existing legislation and if carried out today the renovations would not require a European Protected Species Licence due to the absence of any signs of significant use of the barn for breeding or any other notable use.

It is however considered that this development provides the opportunity to enhance the site in adherence with the Natural Environment and Rural Communities Act 2006, PPS9 and Policy NE1 of the Local Plan. A condition requiring an artificial bat roost habitat to be provided on the existing building to enhance the site for bats is considered appropriate in this instance.

On the basis of the above it is considered that, with the imposition of appropriate conditions, the proposal should not have a detrimental impact upon the character of the area, highway safety, the amenities of neighbouring occupiers, the curtilage listed barn or biodiversity and would not be contrary to the objectives of sustainable development. It is therefore recommended that planning permission be granted once the matters of development contributions and the Travel Plan are resolved.

BACKGROUND PAPERS:

1. Application Ref: CA/10/02125/FUL
2. Notes of Officer's site inspection, dated 14.01.11
3. Memorandum from Kent Highway Services, dated 28.02.11
4. Memoranda from CCC - Environmental Protection, dated 17.01.11 & 03.03.11
5. Memorandum from CCC - Countryside, dated 10.01.11