

Application No: 21/3505N

Location: THE PARKES, MONKS LANE, AUDLEM, CHESHIRE, CW3 0HP

Proposal: Change of use from use class C3 (residential) to sui generis (wedding venue) and associated parking.

Applicant: Mr Anthony Parker

Expiry Date: 24-Aug-2021

## **SUMMARY**

The application was deferred at the meeting of Southern Planning Committee on 9<sup>th</sup> February 2022 to require the submission of an Acoustic Assessment.

The application site relates to the property known as The Parkes which lies within open countryside to the north of Audlem and accessed via a driveway from Monks Lane. The Parkes was formerly part of the adjoining working Dairy Farm, but this former farmhouse has however been separated from the farm complex for some time.

This application seeks approval for the change of use and renovation of The Parkes to a wedding venue. The proposals have been significantly amended during the course of the application. A previously proposed marquee has been omitted, the scale of wedding events reduced, with events to only take place within the house.

Within the Open Countryside Policy EG.2 of the Local Plan encourages the retention and expansion of existing business, particularly through the conversion of existing buildings. Policy NE.15 and CELPS Policy PG6 also allow for the re-use and adaption of rural buildings for a commercial use NPPF (paragraph 84) further states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

The Environmental Health Officer has evaluated the submitted Noise Assessment and additional data/information and concluded that the noise impact from the use of the premises as a wedding venue has been satisfactorily assessed and will not therefore adversely affect the amenities or living conditions of nearby properties. In addition, suitable and appropriate noise mitigation measures are specified in the Noise Management Plan, particularly in respect of addressing the impact of the playing of loud, amplified music at the venue. It is considered that the proposed operation of the wedding venue in this location to host relatively small events (60 guests) limited to twice a week, would not result in a significant noise impact that would be harmful to amenity or living conditions of nearby residential properties.

The Highways Officer is satisfied that based on an assessment of the reduced capacity of the venue to 60 guests, and considering the levels of vehicular movements generated by wedding events, the proposals will not have adverse impact on highway safety or cause unacceptable congestion on the local road network.

The proposal would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

Subject to the recommended conditions being imposed, it is considered that the benefits of the proposal outweigh any negative impacts. As such, the proposed application is recommended for approval.

## **RECOMMENDATION**

**APPROVE WITH CONDITIONS**

## **REASONS FOR DEFERRAL**

The application was deferred from the meeting on 9<sup>th</sup> February 2022 to require the submission of an Acoustic Assessment.

## **UPDATE**

### Additional Representations

Further letters of objection have been received from 7 properties since the consideration of the application by Southern Planning Committee on 9<sup>th</sup> February, raising points summarised below;

- The acoustic report refers to the venue as a 2 storey building but the plans show he building with 3 floors.
- The 3rd floor appears to have much larger rooms and, for which velux windows are installed Is there an intention to use this for events, either now or later? If so the noise pollution will greater.
- The sound tests detailed in the applicant's acoustic report involved noise generated from rooms 6 and 11 on the ground floor. Room 6 is a catering room whilst 11 is the function room. Are events to be restricted to these rooms?
- Can the Acoustic Assessment be independent as carried out under contract to the applicant ?
- Concern that windows will opened when 60 people are dancing on hot evenings and noise levels will therefore rise exponentially. Will windows in these rooms be locked shut? Will there be adequate air conditioning? How will this be policed?
- How will the Planning or Environmental Department ensure this venue does comply with any condition in the Licence. Concern is raised with the lack of action reported about breaches of a Licence at a Wedding venue in Knutsford and the reprimand Cheshire East received about not resolving complaints over an 11 year term.

- Acoustic report does not include any assessment of support services staff or vehicles and the noise impact of opening and closing doors/moving materials when setting up/closing down an event. The requirement to have all guests offsite by midnight needs to be extended to include all staff.
- The noise survey does not test the noise impacts with windows and doors open. A condition is required that all events must have all windows and doors closed when any music is playing. This needs to be accompanied by evidence that a sufficient air conditioning system is operational to prevent any breaches of the condition.
- A condition is required to ensure that no rooms other 6 and 11 are permitted to have music
- Monks Lane not suitable for the amount of traffic that a wedding venue will generate.
- Noise from increased flows of traffic at unsociable hours.
- Do not agree with Consultation Response with the Councils Environmental Health Officer that *'I am satisfied that there will be no impact on local residents from music/noise overspill'*. and unclear on what scientific information that is based on
- This planning application will have a major negative impact on the village of Audlem and its residents and should be refused.
- Impact of the proposed wedding venue is likely to be above the Observed Adverse Effect Level;
- Location of the monitoring points used in the Applicant's Noise Report are unreliable and fail to account for either the use of our garden (Corbrook Lodge ) nor open windows at our property facing the venue. The distances used in the report are inaccurate.
- Low frequency noise has not even been considered yet the external surfaces of dwellings are less resistant to the ingress of low frequencies. Low frequency sound can be hard to control. It has not been demonstrated that this low frequency noise will be suitably mitigated by the proposed scheme. This noise can cause a significant disruption to amenity, particularly when it is a repetitive beat or present over a prolonged period.
- Adverse impact is likely to increase when certain conditions prevail i.e., calm quiet evenings with a general south-easterly airflow and/or temperature inversions which can focus sound on the ground surface downwind of a source.
- In the later evening the amount of background traffic noise at Corbrook Lodge will decrease whilst the noise at the venue will increase. Significant concerns raised by independent noise consultant (LA Environmental) that as a result of the low existing background noise climate, music noise from the proposed venue, particularly low frequency sound and the sounds of car doors slamming, contractors packing away and vehicles leaving site will be audible at the nearest noise sensitive receptors, and is likely to adversely impact on the health and quality of life of residents.
- Inaccuracies of the applicants' Noise Report as identified LA Environmental report.
- LA Environmental report strongly indicates that each element of the methodology used by the Applicant's acoustics expert has been inaccurately assessed, leading to a combined inaccuracy of even greater proportion.
- Counsels Advice obtained by residents of Corbrook Lodge considers that the recommendations and planning conditions proposed are on a "false footing" such that they are not properly related to the Application, nor do they address its true impact in planning terms.

- Counsel's advice raises concerns over whether the Recommendations and Conditions are properly enforceable. (Including that in the summer all of the windows and doors at the wedding venue will be kept closed)
- Conditions fail to meet the planning "Newbury Test" and policy test set out in Paragraph 56 of the NPPF.
- Cannot rely on the assurances of Applicant, the Environmental Health Officer and the Planning Officer given on last occasion to simply trust the judgment of the Environmental Health Officer. "In my opinion it now transpires that all of this was flawed there will in fact be a huge adverse impact".
- "It is completely fanciful and palpable nonsense to suggest that in the summer all of the windows and doors at the wedding venue will be kept closed. That is impossible to enforce – and even in staff do have time to close them (which of course they won't as they will be busy with other things), hot wedding guests will not tolerate sitting in a sealed venue. Guests will simply throw doors and windows open again (and, as an aside, will probably want to gather outside be that for a cigarette, a drink or to explore the surroundings). It is accepted by both noise experts that this will cause significant loss of amenity."

In addition, the objection received from the resident of Corbrook Lodge was accompanied by a review prepared by LA Environmental of the applicant's Noise Assessment and also Counsel's Advice provided by Mark Howells of Kings Chambers.

One letter has been received which comments on the controls which should be imposed on the operation of the venue as summarised below ;

- There must be thermal double glazing mandated throughout the venue
- Previously proposed marquee is excluded entirely from the development proposals and should not be re-introduced
- The scale of wedding events is reduced (with events to only take place within the house);
- Operating hours do not exceed 08:00hrs – midnight (with all guests off-site by midnight);
- All weddings/celebrations/events will have a contractual agreement which would be venue specific and ensure no fireworks, lasers, pyrotechnics lanterns, times of departure etc.
- No external music;
- Applicant has stated that the venue would host 2 events a week as a maximum - this should be mandated;
- Event guests must be restricted to a maximum of 60.
- Venue windows, doors etc. are closed when any amplified or live music is present within the site.
- All windows and doors should be well fitted and incorporate effective seals around their perimeters to realise their full sound insulating potential;
- Any existing or new external doors to rooms in which loud amplified or live music is present should not be used for access/egress to/from external areas (e.g. smoking areas) during the evening/night-time. Instead, other external doors should be used that are as far away as possible the room within which loud amplified or live music is present;
- All other external doors are closed when loud music is played within the venue, are not held or propped open, and should incorporate suitable automatic closing mechanisms.

- Staff, contractors or other workers at each event/wedding/celebration should not exceed 10 at any one time. Coupled with the above maximum guest capacity of 60, this should mandate a maximum of 70 person(s) on the site at any one time during an event.
- The applicant states that vehicles, transport etc. is usually shared for those attending events, and to further mitigate noise and localised traffic issues, there shall not be more than 40 motor vehicles (including guests, staff vehicles, contractors, suppliers, taxis, minibuses etc.) at the site at any one time.
- A total prohibition on novelty vehicles at all times, such as converted fire engines, converted ambulances, mobile disco/party buses, steam or unusually propelled vehicles or similar.
- No aviation or airborne elements whatsoever

## **AMENITY - Noise Impact**

### Submitted Documentation

A Noise Assessment prepared by Noise Consultants Ltd (NCL) has been submitted in support of the amended proposals omitting a previously proposed marquee. Additional Information dated 18 July 2022 (Ref: J20-13308A-20-M1) was submitted by NCL to address issues raised by the Councils Environmental Health Officer.

In addition, a Noise Management Plan has been submitted together with amended floor plans specifying the uses of all rooms within the proposed venue.

A report prepared by LA Environmental has been submitted on behalf of the residents of Corbrook Lodge. This has reviewed the methodology and conclusions of the applicant's noise assessment (NCL). The critique raises concerns in respect of the accuracy of background sound levels, the positioning of noise monitoring equipment, accuracy and evaluation of predicted noise levels experienced from the venue, inadequacy of mitigation and resulting adverse impact on the nearest sensitive receptors including Corbrook Lodge and the use of its rear garden.

Councils Advice has also been obtained by the residents of Corbrook Lodge. This states that,

1. *I am instructed on a public access basis to advise on the lawfulness of a planning application reference 21/3505N ('the Application') made to Cheshire East Council ('the Council'). The Application is for:  
  
'Change of use from use class C3 (residential) to sui generis (wedding venue) and associated parking'*
2. *Specifically, I am asked to advise in relation to the loss of residential amenity caused by the Application due to noise pollution. To do this I have been provided with two expert independent noise reports (together 'the Reports'). One of the reports ('the NC Report') is provided by the applicant in support of the Application. The second report ('the LA Report') is an appraisal of the methodology and conclusions of the NC Report. Clearly, I am not a noise expert and in terms of the expert evidence this Advice is based solely on the Reports.*

3. This Advice focuses on the lawfulness of the Council's suggested planning conditions and the recommendations of the NC Report.

The overall conclusion of the submitted Counsel's opinion is that;

*"In conclusion, the expert evidence strongly indicates that each element of the methodology used by the NC Report has been inaccurately assessed, leading to a combined inaccuracy of even greater proportion. This means that the Recommendations and Conditions are proposed on a false footing such that they are not properly related to the Application or address its true impact in planning terms. Even if this is not the case, I have serious concerns over whether the Recommendations and Conditions are properly enforceable, thereby failing to meet the Newbury Test and policy test set out in Paragraph 56 of the NPPF.2*

These documents can be viewed in full on the Council's Website.

### Noise Assessment

The site lies within a rural setting in open countryside. The nearest dwellings affected by this proposal would be those of Monks Lane about 200m directly to the south of the site across agricultural land.

Beyond these dwellings, are properties of Heathfield Road and Monks Lane, and the development (Anwyl) along the A529 Audlem Road/ Cheshire Street, which lie within the Audlem Settlement Boundary around 400m to south and west of the site. In addition several further properties alongside Audlem Road to the north and west, including Corbrook Lodge are located between 230m and 350m from the site boundary. Also, the nearest part of Corbrook Park Nursing Home complex is about 180m from the application site boundary and situated to the north-west of the site.

The Environmental Health team has considered the methodology and findings of applicant's Noise Assessment, and also with regard to specific issues and concerns raised in the review submitted by LA Environmental on behalf of the objector at Corbrook Lodge.

Several principal areas of concern were highlighted by the review prepared by LA Environmental for which further clarification was required by the EHO from the applicant's noise consultant (Noise Consultant Ltd). These issues included questions raised in respect of the accuracy of the background sound level reading given the location of noise measurement equipment, the consideration of low frequency tonal noise, and the requirement for the closure of a large number of windows of the building to mitigate noise impact when live/ amplified music is played coupled with the lack of a Noise Management Plan.

Sound measurement equipment was located on the western side of Corbrook Lodge in direct line of sight of Audlem Road (A529). The report from LA Environmental states that Corbrook Lodge shields its garden from traffic noise, and therefore the background reading provided would be considerably lower. However, as the necessary measurement used for background noise is between 23.00 – 00.00 hours, the Environmental Health Officer considers that traffic levels would be minimal and therefore make no difference in background measurements. The EHO concurs with NCL's view that whilst noise measurement equipment was sited immediately

adjacent Corbrook Lodge, there would not be a significant difference in the background noise levels had they been established within the garden of Corbrook Lodge. If undertaken within the garden of Corbrook Lodge, it would not result in any change to the outcome of the assessment undertaken by NCL. The measuring equipment and metrics applied are therefore considered representative of background sound levels experienced at Corbrook Lodge.

LA Environmental argue that low frequency noise (bass tone) has not been sufficiently considered within the applicant's acoustic assessment. The Environmental Health Officer also requested further information to demonstrate that impact of bass tone at Corbrook Lodge has been satisfactorily taken into account. A further review was undertaken by NCL of the predicted noise levels at Corbrook Lodge, the measured background sound level, and other relevant guidance in addition to the acoustic assessment already completed.

The Environmental Health Officer is satisfied that the additional supporting information provided by NCL on 17<sup>th</sup> July 2022, together with the assessment and findings of the original noise report, demonstrate that there will be no unacceptable noise impact to Corbrook Lodge from low frequency bass tone.

The NCL Noise Assessment requires windows in Room 6 and Room 11/12 to remain closed during the playing of amplified music within these parts of the building, as otherwise the resulting noise level at Corbrook Lodge is expected to exceed the background sound level. Whilst NCL state that, "the reliance on closed windows is a fundamental noise mitigation strategy, employed at a significant number of other existing comparable developments", it is however considered that this would require a large number of windows to be kept closed at the proposed venue. This is not considered to be either practical, enforceable or reasonable, notwithstanding the potential provision of additional mitigation indicated NCL in terms of "sealed windows with enhanced sound insulation performance" or the use of portable air conditioning units".

In response to these concerns, the applicant has submitted amended floor plans of the building which have been updated to show the dedicated spaces for catering, ceremonies/ receptions and music. The uses of all rooms within the building have been identified together with the submission of a Noise Management plan (NMP) proposed by NCL which provides a series of measures to mitigate noise impact.

Significantly, in terms of the playing of loud, amplified music within the venue, as shown by the floor plans and by the NMP this is now limited to Room 6 (small function room) which will be used for small wedding ceremonies, live music or disco. Rooms 11 & 12 (Main function room) will be used for sit-down meals /drinks receptions with background ground music only.

Amplified/live music noise can be effectively contained within Room 6 through closing 2 No. windows and the use of a double door arrangement between Room 6 and adjacent rooms including the main hallway as set out by the NMP. Therefore, the playing of Amplified music within the venue can take place without the need for a large number of windows throughout the building to remain closed as originally recommended by the Noise Assessment.

A planning condition is however required for details of a proposed double-door arrangement to ensure its operation will effectively prevent music noise-breakout from Room 6 and via any adjacent rooms including the main hallway (room 10).

It is therefore considered that the mitigation measures set out by the Noise Management Plan, in restricting the playing of amplified music within room 6 are realistic and therefore enforceable. Furthermore, no other areas inside or outside of the building will be used to play amplified music

The applicant has advised that main activities associated wedding events/functions will be accommodated inside this large house, although it would be unreasonable not to expect some low-key use of outdoor spaces by guests adjacent to the building particularly given its attractive rural setting. The NMP also states that live music within external areas will to be restricted to “small string and wind ensembles, playing at background level (where conversations can be held without the need for raised voices), and cease no later than 19:00 hrs”.

The submitted floor plans also clarify that the first and second floors of the building will accommodate a small number of guest bedroom and bathrooms, which is commonly provided at venues of this kind.

Details of the how wedding events will be managed at the venue has previously been provided by the applicant. This stated that all guests will be off-site (unless staying) by Midnight. Given the anticipated level of vehicle movements which will generated by the venue, addressed in the Highway section of original report below, it is not considered that this will result in unacceptable levels of disturbance to nearby properties along surrounding roads, given that typically not all guests will leave the venue at the same time, with departures staggered during the evening.

The applicant has also stated that “all weddings/celebrations will have a contractual agreement which would be venue specific and ensure no fireworks, lanterns, times of departure etc”. In addition, it is now stated that Wedding Party and Event Guests will be made aware of and provided with a copy of the NMP as part of their contract. The NMP states ;

- No Fireworks at any time.
- Music at background levels in any external areas within the site boundary (as specified in Table 1 of the NMP) .
- Only be allowed amplified music within Room 6 (Table 1 of the NMP) .
- Ensure that the total number of guests invited on-site at any one time during each event does not exceed 60.

In addition, the NMP advises that wedding party/guests are not permitted to;

- Depart the site later than midnight.
- Access the Site between 22:00hrs and 08:00 hrs the following day
- Idle engines unnecessarily
- Congregate in the car parking areas
- Use in-car stereos to generate loud music.

The NMP also states that guests will be reminded and encouraged by Door Staff, other employees and by appropriately located signage to depart the site quietly and with due respect to surrounding residential areas.

Notwithstanding these measures, it is accepted that some level of noise may still be audible from outside the premises on occasions, particularly from patrons and vehicles leaving the premises. However, given the relatively small scale of wedding events which will be held at The Parkes, it is not considered that such noise levels would have an adverse impact on the amenities or living conditions of local residents. However in addition to the measures set out by the NMP, the venue will be subject to planning conditions being imposed, including that operating hour of the venue are restricted to between 08:00 hours to Midnight, and also deliveries to the premises limited from 08:00 hours to 18:00 hours.

The premises would also be subject to the provisions of the Environmental Protection Act, which significantly controls noise nuisance. Furthermore, the wedding venue will be required to be Licensed for the consumption of alcohol and as late-night entertainment/music venue. The Environmental Health Officer has specifically advised that a typical condition of such a Licence is that no music is audible beyond the boundary of the premises.

### Use of Planning Conditions

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

National Planning Practice Guidance further advises that;

“When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable”

In this case the findings of the applicant Noise Assessment, together with the provisions of the subsequently submitted Noise Management Plan (NMP) and revised floor plans specifying the use of the building, ensures that necessary, practical and reasonable planning conditions can be imposed to satisfactorily mitigate adverse effects on residential amenities from the operation of the wedding venue. For the reasons set out above the recommended conditions require appropriate measures to be undertaken which mitigate potential noise and disturbance as set out in the NMP (including the playing of live/managed music) as well as limiting the scale of events and controlling the hours of operation/deliveries.

It is therefore considered that the controls required through the recommended planning conditions will allow the premises to effectively and reasonably operate but without adversely affecting the amenities or living conditions of nearby residents in accordance with the Paragraph 55 of the Framework.

## Conclusion

The Environmental Health Officer has evaluated the Noise Assessment and additional data/information and concluded that the noise impact from the use of the premises as a wedding venue has been satisfactorily assessed and will not therefore adversely affect the amenities or living conditions of nearby properties. In addition, suitable and appropriate noise mitigation measures are specified in the Noise Management Plan, particularly in respect of addressing the impact of the playing of loud, amplified music at the venue.

Therefore no objections are raised the proposed re-use of The Parkes as a Wedding Venue are raised on noise or amenity grounds subject to the recommended conditions set out in the amended recommendation below.

## **RECOMMENDATION:**

### **APPROVE subject to conditions**

1. **Time (3 years)**
2. **Plans**
3. **External lighting to be approved**
4. **Compliance with Noise Management Plan**
5. **Events to take place within house only**
6. **2 events per week each limited to a maximum of 60 guests**
7. **Hours of operation - 08.00 Hours until Midnight**
8. **Deliveries to premises between - 08.00 hours and 18.00 hours**
9. **No fireworks or outdoor amplified music**
10. **Details of parking areas**
11. **Ecological enhancement strategy**
12. **Details of a proposed double-door arrangement for room 6**

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Previously considered Committee Report below

## **REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee by Cllr Rachel Bailey for the following reasons:

*Significant concern as to impact on amenity of local residents in terms of access/exit to the site, hours of operation and potential levels of noise.*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a substantial property known as The Parkes, comprising a large former farmhouse, its grounds which includes a tennis court and part of a field on the northern side of the property. The site lies within the open countryside to the north of Audlem.

The Parkes is accessed off Monks Lane, via a private drive. Part of the driveway also accommodates the route of Public Footpath Audlem FP17 which runs northward from Monks Lane.

The Parkes was formerly part of the adjoining working Dairy Farm. The former Farmhouse has however been separated from the farm complex for some time. Farm traffic uses an access road leading off the driveway to the south of The Parkes and was approved under 19/5658N. A small group of traditional farm buildings adjoining the eastern site boundary are within the applicant's ownership, beyond which are operation areas and building of the farm complex.

The farmhouses and its grounds are screened through established wooded boundaries to south and west of the site.

## **DETAILS OF PROPOSAL**

This application seeks approval for the change of use and renovation of this large house and its grounds known as The Parkes as a wedding venue.

The proposals have been significantly amended during the course of the application. A previously proposed marquee to be sited on the tennis court has been omitted from the application. The scale of wedding events has been reduced, and which will only take place within the house.

The proposed change of use would enable year-round indoor weddings, with up to 60 guests to be held within The Parkes. The venue will also include 4 bedrooms for use by guests.

The proposals include the provision of car parking within the application site. Parking areas are located off the private driveway to the south of the existing tennis court and within a small part of a field to the north of the house which will accommodate 70 parking spaces. Grass reinforcement mesh will be used to protect grassy areas used for parking.

## **HISTORY**

There is an extensive history of agricultural operations on this site. The most recent of which is relevant to this proposal;

19/5658N Agricultural determination for a proposed new road 145m in length and 4.5m in width. Approved 02-Jan-2020

14/5155N Proposed Agricultural Entrance, Drive and Passing Bays. Refused 23-Dec-2014

## **POLICIES**

### **Cheshire East Local Plan Strategy**

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG6 Open Countryside

EG2 Rural Economy  
EG4 Tourism  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
CO1 Sustainable Travel and Transport

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

### **Crewe and Nantwich Replacement Local Plan**

NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species  
NE.13 - Rural Diversification  
NE.15 - Re-use And Adaptation of A Rural Building For A Commercial. Industrial or Recreational Use  
BE.1 - Amenity  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
RT.9 - Footpaths and Bridleways

### **Audlem Neighbourhood Plan**

The plan was made on the 12 April 2016.

Policy D10: Drainage  
Policy D13: Safe Access  
Policy D15: Reuse of Redundant Buildings  
Policy B2: Redundant Farm Buildings  
Policy B6: Tourism  
Policy T2: Traffic Congestion and Risks to Road Users  
Policy T4: Pedestrian Footways  
Policy CW2 : Community Facilities and Services

### **National Policy**

National Planning Policy Framework (NPPF)

### **CONSULTATIONS (External to Planning)**

**Environmental Health** : No objection to amended proposals subject to conditions.

**Highways** : No objection

**Public Rights of Way** : No objection subject to access to be made good post construction and standard informatives.

**Flood risk** : No objection

**Audlem Parish Council** ; Updated comments as follows in respect of the amended proposals;

Acknowledges the revised plans for the proposed wedding venue in Monks Lane. The removal of the need for a marquee should contribute greatly to noise reduction for neighbouring properties. Should the applicants agree to the proposed operating hours suggested by Cheshire East Environmental Services this again reduces both noise levels and impacts on times of vehicles leaving the venue in the early hours.

However, should the applicants have objections to these operating proposals the Parish Council would like the applicants to advise how they intend to limit the impact on neighbouring properties of vehicles leaving in the early hours of the morning.

The Parish Council would have no objections should these conditions be met.

**Hankelow Parish Council**; Comment as follows (in relation to originally submitted proposals) ;

- The hours of operation for this venue are stated between 0800 hours and 0100 hours. The Parish Council is concerned about the increase in noise levels if this planning application were to be approved on this basis, particularly loud music from the development, and would seek assurance that the music will cease no later than 10.30pm, Sunday-Thursday and no later than 11pm on Friday and Saturday. The Parish Council requests that a noise assessment is carried out before final consideration of this planning application.
- The wedding venue is capable of accommodating up to 300 guests. The Parish Council is concerned about the associated increase in traffic on Monks Lane if this planning application were to be approved and requests that a representative from Highways visit the site to review the Lane and provide an assessment on whether it can accommodate the proposed increased volume of traffic.
- Concern about light pollution and ask that outside lighting should be kept to the minimum required for safety and security. It should be well located and directed downwards, and designed to minimise the impact on the environment and on wildlife.

#### **OTHER REPRESENTATIONS:**

A total 116 representation have been received which object to the proposal for the reasons summarised below:

- Amended details do not demonstrate that this location is suitable
- Not in keeping with quiet, rural setting and local infrastructure will not support the change of use.
- Inappropriate location too close to residential area
- Detrimental to quality of life
- Noise pollution and disturbance from wedding events, including loud music, fireworks, and traffic noise late into the night/early hours

- Noise will carry across open fields particularly in the evenings and summer months when windows at venue remain open
- Noise levels will have a detrimental impact on the amenities, health/medical conditions of residents of Corbrook Park nursing home which incorporates a dementia unit.
- Excessive noise generation from marquee
- Wedding party traffic/revellers leaving venue would disturb residents late into the night,
- Noise/disturbance from contractors/wedding staff leaving in the early hours.
- Disagree with consultation response of the Council's Environmental Health Officer. As no proper analysis of noise levels resulting from music nor consideration of need for sound proofing/glazing/ windows to be kept shut, or the nature of the entertainment proposed. Irrational to conclude that discos/live music/wedding setting up will have no impact on nearby properties.
- The proposed conditions will not have the effect of reducing the impact to an acceptable level
- Without an effective air conditioning system, even though the proposal is to hold events indoor, if windows/doors are kept open this will result in noise escape
- Increase in light pollution
- Exacerbate existing highway safety problems
- Increase in traffic congestion
- Exacerbate problems of traffic congestion at junction of Heathfield Road and Monks Lane due to traffic movements generated by Audlem St. James School and the school nursery also proposed for expansion
- Monks Lane is a largely narrow single-track, unlit country lane, subject to national speed limit (60mph) beyond the village with several blind bends, including one immediately at the entrance to The Parkes.
- Increase in traffic on Monks Lane and Heathfield Road will result in increased highway dangers to pedestrians, school children and cyclists. These roads are very narrow without pavements, lack passing places and are in disrepair.
- Exacerbate existing highway problems resulting from numbers of large agricultural vehicles travelling between Heathfield Road and The Parkes (farm) .
- 14/5155N for an additional access road to be built to Parkes Farm from Monks Lane was rejected because of farm traffic causing severe issues on Monks Lane.
- Additional traffic on A529 and through Audlem
- Hazardous directions to venue will be given SATNAV. If approaching venue from the east of Audlem vehicles will be directed up Heathfield Road past the primary and nursery schools and from the north routed via Monks Lane from Longhill Lane which is a narrow, single track route with very few passing spaces
- Highway & Transport Report inaccurate and underestimates resulting levels of traffic
- Audlem Neighbourhood Plan highlights traffic congestion and risks to road users in Heathfield Road and proposals contrary to policy T2
- The driveway from Monks Lane to The Parkes is a public footpath/right of way resulting in safety risks to users
- Adverse impact on livestock and wildlife
- Number of guests should be restricted to 60 and events limited to 2 per week
- Once venue is established no real assurance there will be no increase in scale, a change of management policy or effective enforcement of the conditions proposed
- Potential for further applications to extend the business.
- No economic benefit to the village and may take business away from venues in the village and others in wider the area

- Proposals are for a hotel given inclusion of 4 bedrooms
- Adverse visual impact of car parking area
- Reduction in property values
- Floor plans do little to inform future use of the building
- Contradictions/Omissions in Design Access and Planning Statement
- Proposals contrary to the objectives and criteria of Policies T2, B2 and CW2 of the Audlem Neighbourhood Plan
- Contrary to Policy PG 6 of Cheshire East Local Plan Strategy
- Contrary to policies of Hankelow Neighbourhood Plan (NB site not within Hankelow Neighbourhood Plan area)
- A Committee site visit is necessary to appreciate how close site is to nearby dwellings and Corbrook Park care home

A total of 3 representations have been received in support of the application for the following reasons;

- Enterprise will bring much needed revenue, jobs and business to Audlem given economic impact over the last 2 years from Covid 19.
- The Parkes is located well away from the village and proposals will not have a detrimental impact
- Provided the stated arrangements are put in place and enforced to protect the environment, these proposals to reuse the building will greatly benefit the local town and businesses and outweigh drawbacks
- With many new young couples moving into the village more this is a perfect location to keep a wedding local
- Audlem village with fantastic local amenities and a beautiful church would benefit from the proposed wedding venue
- Along with the opening of the community pub in Hankelow passing trade, wedding guests etc would support business

## **OFFICER APPRAISAL**

### **Principle of Development**

The development is outside of the settlement boundary and within the open countryside. The proposals relate to re-use of this substantial, former farmhouse to accommodate a wedding venue.

Saved Policy NE.15 and CELPS Policy PG.6 allow for the re-use and adaption of rural buildings for a commercial use with the relevant criteria being:

Policy NE.15:

- The building is of substantial, sound and permanent construction
- The form, bulk and general design of the building is in keeping with its surroundings
- Any conversion work respects local building styles and materials

## CELPS Policy PG.6:

- the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.
- The development is essential for the expansion or redevelopment of an existing business

With the regard to the two Policies above, the existing building is substantial, sound and of permanent construction. Furthermore, the proposed alterations will be minimal, and primarily relate to the renovation of the building, in order to make it suitable for the proposed change of use.

Following on from CELPS Policy PG.6, Policy EG.2 is consistent with the objectives of NPPF (para 84) which states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity. A positive approach should be taken to sustainable growth and expansion of all types of business and enterprise in rural areas, particularly through the conversion of existing buildings. However, it should be ensured that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. Further to this, there should not be any conflict with other relevant Local Plan Policies.

Outside the Principal Towns, Key Service Centres and Local Service Centres, Policy EG.2 allows developments that:

- Provide opportunities for local rural employment development that supports the vitality of rural settlements;
- Create or extend rural based tourist attractions, visitor facilities and recreational uses;
- Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings

Will be supported where:

- Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold
- Is supported by adequate infrastructure
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form

In addition the criteria of ANP policies Policy B2: Redundant Farm Buildings, Policy B6: Tourism and Policy CW2: Community Facilities and Services largely echo the requirements of Policy EG2 above.

It is considered that the proposed development will comply with the first parts Policy EG2 as it provide employment opportunities not only at the site but also with other local services associated with the wedding venue use and will essentially provide a rural based visitor/recreational facility.

In terms of the second part of this policy the proposal would support the rural economy by virtue of being sited in a rural area. The use could not be expected to locate to a designated centre as the nature of the use typically relies on the rural setting. In terms of adequate infrastructure the Highway Officer has confirmed the road network can accommodate the proposed use without resulting in highway safety or management problems. As addressed in amenity section below the revised proposals will not result in an unacceptable impact on the amenities of local residents.

Further to the above criteria, the development will have a minimal impact on the character or appearance of the existing farmhouse and proposed parking areas would not constitute a significant feature with the landscape given screening from existing woodland/vegetation and the backdrop of the adjacent farm complex and building close to the eastern site boundary. It is therefore considered that the principle of the proposed development is in accordance with Policies NE.15 of the C&NLP, PG6 and EG.2 of the CELPS and B2 and B6 of the ANP.

## **Amenity**

Saved Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of noise and disturbance.

The site lies within a rural setting in open countryside. The nearest dwellings affected by this proposal would be those of Monks Lane about 200m directly to the south of the site across agricultural land. Beyond these dwellings, are properties of Heathfield Road and Monks Lane, and the development (Anwyl) along the A529 Audlem Road/ Cheshire Street, which lie within the Audlem Settlement Boundary around 400m to south and west of the site. In addition several further properties alongside Audlem Road to the north and west, are located between 230m and 350m from the site boundary. Also the nearest part of Corbrook Park Nursing Home complex is about 180m from the application site boundary and situated to the north-west of the site.

The application has been revised to omit the previously proposed marquee given the potential for significant noise impact, as well as substantially reducing the capacity for the wedding venue. The applicant has confirmed that events will be solely accommodated within this large house. Indicative floor plans have been provided of the building which show dedicated spaces for catering, ceremonies and receptions to accommodate 60 guests.

Further details of the how wedding events will be managed has been provided by the applicant. This states that all guests will be off-site (unless staying) by Midnight. Given the anticipated level of vehicle movements which will be generated by the venue, addressed in the Highway section below, it is not considered that this will result in unacceptable levels of disturbance to nearby properties along surrounding roads, given that typically not all guests will leave the venue at the same time, with departures staggered during the evening.

The applicant has further advised that, "all weddings/celebrations will have a contractual agreement which would be venue specific and ensure no fireworks, lanterns, times of departure etc". In addition the applicant states that given the nature of the business and the setup times required the venue would host 2 events a week as a maximum.

The Environmental Health Officer has considered the noise impact of the amended proposals, and given their limited scale and nature, does not consider it reasonable to require an Acoustic Assessment to be submitted in support of the application.

It is accepted that some level of noise will be audible from outside the premises on occasions, particularly should windows of the buildings be open. However given the relatively small scale of wedding events which will be held at The Parkes and given the distance of the premises from the nearest residential properties, the Environmental Health Officer has advised that noise levels would not have adverse impact on the amenities or living conditions of local residents. This is however subject to planning conditions being imposed, including that operating hours of the venue are restricted to between 08:00 hours to Midnight, and also deliveries to the premises limited from 08:00 hours to 18:00 hours.

In addition conditions are recommended to ensure that all events are to take place within the venue building (farmhouse) with no outdoor music or firework displays. Further conditions are also necessary which restrict the number of a guests at events to a maximum of 60, with no more than 2 events per week (as stated by the applicant).

Importantly the premises would also be subject to the provisions of the Environmental Protection Act, which significantly controls noise nuisance. Furthermore, the wedding venue will be required to be Licensed for the consumption of alcohol and as late-night entertainment/music venue. The Environmental Health Officer has advised that a typical condition of such a Licence is that no music is audible beyond the boundary of the premises.

In terms of addressing potential light pollution from the premises, a planning condition is recommended to be imposed requiring a detailed scheme of the location, specification and level of illumination for external lighting prior to its installation.

Therefore further to assessment of the amended proposals, the Council's Environmental Health Officer has not raised no objections to the reuse of The Parkes Farmhouse as a wedding venue subject to the planning conditions as set out above. Having regard to the location of the site and nearby dwellings and the scale and nature of the events, the noise impact of the proposed use is not considered to be so significant that it would justify a refusal of planning permission. The proposal is therefore considered to comply with saved Policy BE.1.

## **Highways and Parking**

The proposal is for a wedding venue within an existing property in a rural location to the north of Audlem which is located off Monks Lane and includes off-road parking (70 spaces) . The proposed wedding venue was initially to cater for a maximum of 300 guests but this has since been reduced to 60 guests.

It is recognised that the site is in an isolated location, with a lack of pedestrian and public transport infrastructure to the site but this is typical of many wedding venues, and the proposal will be a car dominated one for access.

It is proposed that the wedding venue will accommodate a maximum of 60 guests and require approximately 10 wedding staff. The staff would arrive prior to, and after, the event

and the Highway Officer considers that the impact of staff vehicle trips on the highway network will be minimal.

The Highway Officer has advised that Car Sharing to a wedding event is usually high, and assuming 2 guests per car then around 30 to 40 vehicle trips would be generated, and be spread over a 1 to 2 hour period. At worst, this averages to less than a car trip per minute. In addition there will be 4 rooms available within the site for the bride and groom and family who would arrive before most other guests.

Access to the site is from Monks Lane which is a minor unclassified road with little through traffic movement. The Highway Officer accepts that forward visibility and carriageway widths are limited in sections, but this however assists in limiting vehicle speeds. The access to The Parkes provides sufficient visibility in both directions and the access bell-mouth is wide enough to allow 2 cars to rest of the carriageway if necessary.

The majority of guests will likely enter Monks Lane via Heathfield Road which the Highway Officer considers is itself capable of accommodating the small amount of traffic that will be generated. The majority of Monks Lane either has sufficient width for 2-way car movement or there are passing bays to allow passing movement. There is a short section which is single car width but given the limited traffic generation is considered acceptable. In addition, the applicant has stated that no more than 2 events a week would take place.

It is also considered that the site can accommodate sufficient car parking (70 spaces to satisfactorily meet the needs of the business.

The Highway officer concludes that the reduced capacity of the proposed wedding venue to 60 guests will result in traffic generation that the local highway network can safely accommodate, and the proposal is therefore considered acceptable in highway terms. A condition is therefore recommended to limit the number of guests for events at the premises to 60 persons.

Therefore it is considered that the level of vehicular movements generated by the proposal will not have detrimental impact on highway safety or cause unacceptable congestion on the local road network. As a result the proposals accord with Policy BE.3 of the Local Plan and ANP Policies T2 and T4.

### **Public Rights of Way**

Part of the driveway serving The Parks from Monks Lane is also the route of Public Footpath Audlem FP17. It is not considered that the proposed re-use of the farmhouse or provision of car parking areas within the grounds will have an adverse impact on condition of the driveway or route of the footpath.

It is also common that public footpaths are routed along access drives which in this case serves The Parkes and the adjacent farm complex. Given the levels of vehicle movements expected to be associated with events at the proposed wedding venue, and limited to twice a week, it is not considered the proposals will result in unacceptable safety issues for users of the footpath.

The Council's Public Rights of Way Officer has raised no objections to the proposals subject to a standard informative to prevent the footpath being obstructed, and also and that the surface of the driveway is maintained to its current standard following the implementation of development.

## **Design**

The proposal essentially relates to the re-use and renovation of a large farmhouse with minimal external alteration of the building. Therefore the proposed alterations to the building are minor and would not be out of character.

The proposed car parking areas adjacent to The Parkes and within a small part of the field to the north, will be largely screened by existing planting/vegetation and would also be viewed against the backdrop of buildings at The Parkes and the adjacent farm complex to the east. Given that reinforcement mesh will be used to protect grassy areas used for parking, and parking areas will not be used intensively, this will ensure that these areas will retain their existing appearance and not constitute an unacceptable visual feature, particularly when viewed from Audlem FP17.

## **Nature Conservation**

The proposals also include the use of two areas of grassland as parking. The Council's Ecologist has advised that this modest impact on biodiversity can be mitigated for with a simple biodiversity enhancement plan.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. A condition should be attached which requires the submission and approval of an ecological enhancement strategy prior to the change of use of grassland to parking on this site, a strategy for the incorporation of features for nesting birds, and native species planting.

## **Planning Balance & Conclusions**

In principle the proposed commercial re-use of the former farmhouses associated with Parkes Farm would accord with Policies EG.2, PG.6 and NE.15. Furthermore as stated by the NPPF (para 84) a positive approach is required to be taken to support economic growth and in create jobs in rural areas, particularly through the conversion of existing buildings.

The Environmental Health Officer raises no objections to the proposed re-use of The Parkes as a Wedding subject to the recommended conditions. It is considered that the proposed operation of the wedding venue in this location to host relatively small events (60 guests) limited to twice a week, would not result in a significant noise impact that would be harmful to amenity or living conditions of nearby residential properties.

The Highways Officer is satisfied that based on an assessment of the reduced capacity of the venue to 60 guests and considering the levels of vehicular movements generated by wedding

events, the proposals will not have adverse impact on highway safety or cause unacceptable congestion on the local road network.

The proposals would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

Consequently, subject to the subject to the recommended conditions it is considered that the benefits of the proposal outweigh any negative impacts.

#### **RECOMMENDATION:**

#### **APPROVE subject to conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. External lighting to be approved**
- 4. 2 events per week each limited to a maximum of 60 guests**
- 5. Hours of operation - 08.00 Hours until Midnight**
- 6. Deliveries to premises between - 08.00 hours and 18.00 hours**
- 7. Events to take place within house only**
- 8. No fireworks or outdoor music**
- 9. Details of parking areas**
- 10. Ecological enhancement strategy**

