

**Item Number:** 9  
**Application No:** 18/00608/FUL  
**Parish:** Howsham Parish Meeting  
**Appn. Type:** Full Application  
**Applicant:** Dine At Howsham Hall Ltd  
**Proposal:** Change of use to a dual use of residential (Use Class C3) and private hire (Sui Generis) under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015), together with the temporary erection of outdoor marquee for no more than 4no. 5 day periods per year (part retrospective).  
**Location:** Howsham Hall Howsham Hall Road Howsham Malton North Yorkshire YO60 7PH  
**Registration Date:** 22 June 2018  
**8/13 Wk Expiry Date:** 17 August 2018  
**Overall Expiry Date:** 23 August 2018  
**Case Officer:** Jill Thompson **Ext:** 327

#### CONSULTATIONS:

<b>Parish Council</b>	No response received
<b>The Garden Trust</b>	No objections with comments
<b>Highways North Yorkshire</b>	Request for further information
<b>Public Rights Of Way</b>	No response received
<b>Paul Jackson AONB Manager</b>	Objection
<b>Environmental Health Officer</b>	Some concerns and comments
<b>Countryside Officer</b>	No response received
<b>Historic England</b>	No comments to offer
<b>Environmental Health Officer</b>	Recommend condition

**Neighbour responses:** Andrew And Anne Swallow, Valerie And Drummond Murray, Mr And Mrs Adamson, Mr John Colledge, Philip Ryan, Miss Kay Vollum, Miss Catriona Valentine, Valerie Murray, Richard And Maragaret Groom, Ms Sarah McMillan, Mrs Jenny MacHarg,

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#### SITE:

The application site is located to the west of the main village of Howsham, within the designated conservation area and within the Howardian Hills Area of Outstanding Natural Beauty. The main hall is Grade 1 listed and the hall stands in a registered historic park and garden.

The Hall is situated next to the River Derwent and has two accesses into the site. The main entrance is located close to Howsham bridge and the Hall is accessed via a long driveway which runs between two lodge houses. The second access is located towards the northern end of the main village street. The village street also leads to a stable block which is located to the south east of the Hall.

Despite its proximity to the main river the Hall sits in Flood Zone 1.

#### PROPOSAL:

Members will be aware that until relatively recently the Hall was used as a private school. This use ceased and in 2007 planning permission was granted which permitted the Hall to be used as a single

residential dwelling (reference 07/00804/FUL) see history section of this report below.

The current application seeks dual use permission under Class V of the General Permitted Development (England) Order 2015 (Part3 Schedule2) for a residential dwelling and for private hire events (Sui Generis) together with the temporary erection of an outdoor marquee for no more than 4No. five day periods per year. Private hire events would typically include events such as weddings, conferences, corporate retreats and house parties.

The proposal does not involve any significant alterations to the listed building. However some works including signage, lighting and fire and safety measures are proposed and these are the subject of a separate application for listed building consent under Reference 18/00609/LBC. No objections have been received to the application for listed building consent which is being processed under the Council's scheme of Officer delegation.

The application is accompanied by a number of supporting documents which include,

- Planning Statement
- Statement of Community Involvement
- Operations Plan for Private Hire Events
- Transport Statement
- Heritage Statement
- Noise Assessment and Addendum note/report

All of the above mentioned documents can be viewed on the Council's website under this application reference. For ease of reference however the Planning Statement, Operations Plan and text of the Transport Statement are appended to this report together with the submitted plans of the Hall.

#### **RELEVANT PLANNING HISTORY:**

Ref. 07/00804/FUL. Change of use of private school to dwelling. Approved October 2007  
Ref. 08/00997/FUL. Installation of give LPG tanks. Approved January 2009  
Ref. 08/00803/LBC. External and internal alterations etc.... Approved February 2009  
Ref. 08/00792/FUL. Quadruple garages with store, flat roof extension over swimming pool etc. Approved March 2009  
Ref. 10/00059/LBC. Internal alterations (Revisions to 08/00803/LBC). Approved March 2010  
Ref. 12/01206/FUL. Change of use of annex to. 3 bed dwelling etc.... Refused July 2103  
Ref. 12/01207/LBC. External and internal alterations to annex etc.... Refused July 2013

#### **RELEVANT PLANNING POLICY:**

National Planning Policy  
NPPF 2018

Local Planning Policy  
Ryedale Plan Local Plan Strategy Adopted 2013  
Policy SP12 Heritage  
Policy SP13 Landscapes  
Policy SP16 Design  
Policy SP20 Generic Development Management Issues

#### **APPRAISAL:**

The following matters are considered to be relevant in the consideration of this planning application:

- Principle of development
- Heritage issues
- Landscape impact

- Highway Matters including car parking
- Noise / residential amenity impacts
- Other Matters

### Principle of development

This application seeks permission for the dual use of the existing Hall which is a substantial listed residential dwelling set in an historic garden setting within the AONB. The property would retain its use as an existing dwelling house as this is part and parcel of the application proposed. To that end the application does not result in the loss of a residential property and there is considered to be no objection on principle to the proposed dual use. Members will note from the submitted Planning Statement that the running costs of the Hall are considerable amounting to costs in the region of £180k per annum excluding any unplanned or unforeseen maintenance. The intention of the application is to help maintain the long term sustainability of the property by holding events which would generate additional income to help with the upkeep of the Hall. It is of note that in the relatively recent past that the condition of the Hall was of concern to both Historic England and the Local Planning Authority. In principle therefore the Council's Conservation Specialist is supportive of this application because it seeks to secure a sustainable use of the building into the future.

### Heritage issues

As mentioned earlier an application for listed building consent has been applied for under Reference 18/00609/LBC. The listed building consent application deals with minor changes to the fabric of the building and is being dealt with under the Council's scheme of Officer Delegation. No objections have been received to the application for listed building consent which is considered to be acceptable by officers.

In respect of the planning application the site is also set within the designated conservation area and there is a duty on the decision maker to comply with section 72 of the Planning Listed buildings and Conservation Areas Act 1990. This requires the Local Planning Authority to determine that the proposal either preserves or enhances the character of the designated area. Externally there are no changes proposed to the fabric of the building. Its setting is considered to be preserved. The applicants have identified three areas for car parking on the submitted plans, these being the existing gravelled parking areas either side of the main Hall and also on a relatively small grassed area close to the eastern side of the Hall. The areas identified exclude the front lawn area to the south of the Hall and exclude any areas from the main approach to the south. The parking areas identified are close to the side of the building and avoid encroachment out onto the main part of the Register Park and Garden. The location of these areas has been considered by the Gardens Trust (who have also taken advice from the Yorkshire Garden trust in making their response) and who raise no objection to the application as submitted.

The application also proposes the temporary erection of a marquee on part of the lawn area in front of the Hall. The marquee events are limited to being no more than four events per annum. The marquee events cover a 5 day period which includes the erection and dismantling period for the marquee. The temporary nature of these events and their limited number means that there is no permanent or lasting impact on the character and appearance of the conservation because a marquee would only be present on the site for a maximum of 20 days in any one calendar year and the impact is completely reversible.

The submitted Operations Plan for Private Hire events sets out their potential frequency give an indication of the likely number of guests for each type of event. Dependent on the type of event the number of guests would typically vary between 40 and 160 guests - see appendix B of the Operations Plan. Whilst the standing of a marquee in front of the Hall has some visual impact this is not considered by the Council's Conservation Specialist to be a significant impacting term of its overall impact on the character of the conservation which is considered to be preserved. The proposal is therefore considered to comply with the requirements of Policy SP12 -Heritage of the Ryedale Plan Local Plan Strategy.

## Landscape Impact

The site is located within the AONB although the location of the Hall is set back some distance from the main entrance gates and also from the second access point from the village street. This means that the visual impact of most of the development proposed, in this case relating to the car parking areas and the marquee is limited from these potential viewpoints. There is Footpath which runs alongside the opposite side of the river and this is perhaps the closest position from which members of the public could view the site. There is however existing screening at this point on both sides of the river and the Hall is situated within its own treed/parkland setting. As mentioned earlier The Gardens Trust has not objected to the impact of the development on the immediate locality subject to confirmation that there is no intention or need to park visitor's vehicles beyond those areas identified on the submitted plans. Officers have established that this is not the intention of the applicants and if permission is granted a condition could be imposed to limit the parking areas to those shown on the submitted plans.

Members will note that the AONB officers has expressed some concerns about the potential impact of the proposal on the AONB if adequate controls are not imposed on the development. In this case however the main visual impacts have already been identified as being those associated with the location of parked vehicles and the occasions when the marquee would be erected on site - which confirmed to be limited to a maximum of 4 occasions a year. The application is considered by officers to have little impact on the wider landscape provided appropriate conditions are imposed to control vehicle parking locations and the number/duration of marquee events. Subject to such control the application is considered to satisfy the requirements of Policy SP13 Landscape of the Ryedale Plan Local Plan Strategy.

It is also of note that the AONB manager has raised concerns relating to traffic and noise / amenity issues. These have been assessed by NYCC Highways officers and the Council's Environment Specialists and are dealt with in the report below.

## Highways Impact Including Car Parking

Traffic impacts have been raised as a cause for concern locally with particular regard from residents who live in the village street. Properties are located close to the highway which is relatively narrow and is characterised by an amount of on street parking which further limits the amount of available carriageway. The village street is also a no through road.

As stated earlier it is the intention of the applicants to use the main entrance to the Hall adjacent to Howsham bridge rather than the second access via the village street. This is acceptable to NYCC Highways officers in terms of highway safety subject to the provision of adequate signage at the triangle of land at the southern end of the village street. A 'No Entry' sign designed to deter visitors from using the village street is recommended by NYCC officers and the detail of this is recommended to be the subject of a planning condition if planning permission is granted.

NYCC officers have raised two other issues, these are the amount of overflow parking that might be required of a large marquee event took place and secondly a requirement for a minor widening of the main entrance to ensure that two vehicles would easily pass each other close to. The adjacent highway.

Members will note that the applicant estimates that the applicant estimates an average marquee event to accommodate 160 attendees but for the purposes of the application a maximum figure has been stated as being up to 300 people. NYCC Officer think this could result in up to 100 vehicles attending in such an event although a proportion of attendees (around 20%) would be likely to use taxis/ mini buses rather than their own vehicles which would reduce demand for onsite parking. Officers are confident however that onsite parking for around 80 vehicles can be comfortably accommodated onsite within the three broad locations shown on the submitted plans. None of these areas are marked out site and it is therefore recommended that if permission is granted that a condition requiring on site marshalling for marquee events would be required to ensure that parking takes place in the manner intended.

In terms of the passing space there is already an informal run off area/ passing space adjacent to the main entrance. Officers consider that this area could be widened to meet the requirements of NYCC

Highways officers without detriment to the appearance of the locality or the setting to the listed gate lodges. A condition would be required if Members are minded to grant planning permission.

Subject to the imposition of conditions relating to signage, parking management and access widening the application is considered to satisfy this aspect of Policy SP20 of the Ryedale Plan Local Plan Strategy.

#### Noise / Amenity Impacts

Noise has also been a consideration with a number of responses from third parties expressing concerns about noise disturbance and potential for future disturbances if permission is granted. A Noise Assessment was submitted with the application and a further note submitted by the applicant following initial comments from the Council's Environment Specialists.

The initial response raised no issues with regard to events taking place entirely within the Hall. The main concern was with regard to potential noise arising from activities within the marquee associated with live and/or amplified music and the times the marquee was in use. After receiving the further Addendum note however the Council's Environment Officers raise no objection subject to the imposition of an appropriately worded condition which covers the following matters:

*The applicant will therefore be required to mitigate against unwanted noise pollution and to meet the relevant criteria set below. I would therefore recommend that a condition be set based on the following:*

- *For events continuing after 23:00hrs amplified music should not be audible within the habitable rooms of a noise sensitive dwelling with windows open in a typical manner for ventilation.*
- *For events at other times noise levels from amplified music should not cause noise levels to exceed 50dB LAeq one metre from the facade of a noise sensitive dwelling. This will ensure that internal ambient noise levels within the sensitive dwelling are in accordance with BSI Standards 8233:2014, Chapter 7.7.2 and WHO: 1999, index 3 Adverse Health Effects of Noise, Chapter 3.4. Sleep Disturbance i.e. allowing for partially open windows.*
- *A noise management plan be submitted to, and approved in writing by the LPA prior to the first event taking place. Such a plan will define the mitigation measures to be used within the marquee and set noise limits for amplified music.*
- *Events thereafter shall be carried out in complete accordance with the approved noise management plan unless an variation is first agreed in writing with the LPA.*
- *The noise management plan shall be reviewed after a year (or earlier at the request of the LPA following receipt by either Local Authority or the venue of verified and justified noise complaints) to ensure the mitigation measures to limit noise disturbance in relationship to agreed noise levels are maintained.*

Subject to the imposition of this condition the Environment Specialists are satisfied with the proposal and the application is considered to comply with this aspect of Policy SP20 of the Local Plan Strategy.

#### Other Issues

##### Third party comments

Thirteen responses have been received in total following receipt of the application.

Twelve responses of objection and/or concern can be seen on the Council's website and raise the following issues;

- Concern regarding traffic using the village street to gain entrance to the site,
- Concern regarding more traffic on the wider road network
- Concern over inadequate parking arrangements/ provision
- Potential for noise disturbance from amplified music/ marquee noise
- Noise audible from marquee on event on 1st September 2018

- Concern over intention to use fireworks at events
- Adverse impact on Conservation Area, AONB and Registered Park and Garden
- Possible risk of fire in the Hall
- Concerns over use of external lighting
- Possible devaluation of property
- Retrospective nature of the application

Matters relating to traffic parking issues, landscape impacts, heritage impacts and noise have been appraised in the report above. Matter such as devaluation of property and the retrospective nature of the application are not material planning considerations that can be taken into account in the determination of this application. Fire safety is not dealt with by the Local Planning Authority however upgrades fire safety measures do form part of the application for listed building consent Reference 18/00609/LBC. Control over external lighting is a matter that can be controlled by condition if Members are minded to grant planning permission for the development.

One letter of support has been received subject to the applicant complying with the limitations set out at the community consultation event.

On balance the application is considered to be acceptable subject to the imposition of appropriately worded planning conditions. In the light of the partly retrospective nature of the application Officers are seeking to agree the precise wording of the conditions with the applicants agent in order that Members are fully aware of the detail of the conditions and their timing for submission and discharge.

**RECOMMENDATION: Approval subject to conditions covering the following matters:**

Highways – including signage, access widening, parking areas and their management at marquee events

Noise – including hours limitation for amplified/ live musician the marquee plus hours limitation and noise limits

Limitation on numbers of events – not to exceed those maxima set out on the submitted Operations Plan.

No External lighting unless otherwise agreed with the Local Planning Authority

It is anticipated that the detail of the planning conditions will be circulated with the Late Pages