

**Item Number:** 6  
**Application No:** 20/00695/FUL  
**Parish:** Sproxton Parish Meeting  
**Appn. Type:** Full Application  
**Applicant:** A Wainwright and Son  
**Proposal:** Change of use and alteration of farm buildings to form a mixed use events and venue barn (wedding ceremonies and reception and small conferences etc.) with associated facilities, landscaping and parking  
**Location:** Sproxton Hall Farm Main Street Sproxton Helmsley YO62 5EQ

**Registration Date:** 28 September 2020  
**8/13 Wk Expiry Date:** 23 November 2020  
**Overall Expiry Date:** 06 July 2021  
**Case Officer:** Alan Goforth **Ext:** 43332

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## **BACKGROUND:**

The application was reported to Planning Committee for determination on 11 May 2021. At the meeting Members resolved to defer the consideration of the application to a later date to allow the applicant additional time to respond to concerns raised in relation to highways and noise related matters.

This update report should be read in conjunction with the substantive report published in advance of the 11 May Planning Committee meeting. A copy is appended to this update report.

## **UPDATES:**

The following documents submitted on behalf of the applicant have been the subject of a further re-consultation with the Environmental Health Officer and the Highways Officer:

1. Email & attachments from Cheryl Ward in relation to passing places and carriageway widths (received on 11 June 2021)
2. Email & attachments from Ryedale Testing in response to Apex Acoustics report and detail in relation to mechanical ventilation and air handling units (received on 10 June 2021)
3. Acoustic report & noise data (received on 15 June 2021)

In addition all third parties who previously made comments on the application have been informed of the further information and given the opportunity to make further comments.

## **FURTHER CONSULTATION RESPONSES:**

**Environmental Health:** do not support the application stating “*Whilst in theory noise from the venue could be reduced the noise and disturbance to the residential properties caused from cars leaving the venue late at night and travelling out of the village will not be reduced to an acceptable level*”.

**Highways North Yorkshire:** [full response attached] In summary the LHA states that should the applicant be prepared to undertake further off-site works (further localised road widening), and taking a balanced view of the objections submitted, in terms of highway capacity alone, the highways officer would withdraw the previous recommendation of refusal.

**Sproxton Parish Meeting:** [full response attached] In summary the Parish meeting considered and discussed the further information relating to noise and highways impacts and following a vote the Parish object to the application.

## REPRESENTATIONS:

A further six representations have been received from local residents in response to the above mentioned further information. The representations reiterate earlier objections to the proposed development and specifically in relation to noise and highways impact with the general view that the further information does not adequately address the concerns previously raised and that the application should be refused.

In addition a response has been received from the CPRE (The Countryside Charity, formerly known as the Campaign to Protect Rural England) which raises an objection and states the following:

*“CPRENY previously objected to the proposal in April 2021 on the grounds that the proposal will detrimentally impact this location of the Howardian Hills Area of Outstanding Natural Beauty (‘AONB’) and the residents that live in the small settlement of Sproxton particularly in terms of noise disturbance and impact on tranquillity. The charity also considered the proposals would impact users of the Public Rights of Way and bridleways in the vicinity and furthermore, the proposals are not appropriate for the typically narrow and winding rural lane that serves the site through the settlement and thus impact on highway safety.*

*CPRENY have had the opportunity to consider the additional noise impact report undertaken by Ryedale Testing on behalf of the applicant. The additions to the Noise Management Plan suggested by the Ryedale Testing are welcomed. However, many are based on ‘encouraging’ and ‘discouraging’ guests to behave in a certain manner and equally an assumption earlier in the document that guests will adhere to the speed limit to ensure noise levels remain low when departing the venue. None of these matters can be relied upon or equally enforced by planning condition therefore it is quite legitimate that a resident of a dwelling whose bedroom faces on to the main street may suffer sleep disturbance when 220 guests (and staff) depart the venue during usual night-time hours, especially should their window be open in summer months.*

*CPRENY believe that information submitted by the applicant post their initial response have not dealt with their concerns, particularly relating to highway safety implications, the impact of noise and tranquillity within the AONB, the weight to be given to the landscape of the AONB in its own right, and the impact on the neighbouring PROW and bridleway alongside other road users.*

*Whilst CPRENY do wish to support suitable farm diversification projects to ensure a thriving countryside and those communities within it, due to the scale of the development proposal and the elevated location in this small rural village, CPRENY must maintain their objection for the reasons set out above and in detail in our previous response”.*

Any other further comments from consultees or third parties will be reported in the late pages.

## APPRAISAL:

### Noise impact

The applicant’s noise report has revisited the background noise levels previously provided. The applicant’s noise consultant states that the previous survey was undertaken during lockdown with travel restrictions and as a result they have undertaken further investigatory environmental sound level measurements outside of lockdown. In summary the revised report argues that there is *“no reason why planning permission should be withheld on the grounds of intrusive sound levels to the residential environment by way of music sound level breakout, crowd sound levels or road traffic sound levels grounds of intrusive sound levels to the residential environment by way of music sound level breakout, crowd sound levels or road traffic sound levels”.*

The consideration of the noise impact relates to both activities inside and outside the buildings together with vehicle movements through the village to and from the site.

The EHO has confirmed that the impact of noise disturbance from vehicles travelling through the village to and from the venue, particularly at night, is unacceptable and cannot be suitably mitigated.

It has previously been established that there are very low ambient noise levels in this area and the village can be described as a tranquil environment. The mitigation takes the form of construction specification for the converted buildings to achieve the required noise attenuation alongside a noise management plan. The applicant's reports concludes that there will be "no meaningful effect on residential amenity" at the nearest residential dwelling (Sproxtton Hall Cottages).

The noise report makes various recommendations in relation to construction detail in order to provide the acoustic attenuation and also provides a ventilation strategy. The proposed development would need to incorporate all requirements in the detailed design and conversion of the buildings. Further comments from the Council's EHO in relation to the noise generated by the use of the venue (inside and outside the buildings) are awaited.

It should be noted that the outdoor area proposed to the south of the venue buildings is shown on the submitted site plans as an area of paving approximately 400m<sup>2</sup> in size. The applicant's noise report describes this as the 'entrance smoking area' and that 'crowd noise' based on up to 50 people outside would not exceed acceptable levels at the nearest residential receptors.

The EHO has previously observed that it would be impossible/impractical to prevent guests from entering and leaving the building at the designated entry/exit point on the southern side of the building. For weddings the venue would cater for up to 220 individuals and there is limited options for acceptable mitigation for the substantial external area associated with the venue which, on a summer's evening, is likely to be used by a large number of guests.

The previously stated position of the Council's EHO was as follows: *'The changes this mixed events venue is likely to impose in terms of noise and additional activities are likely to have a significant negative impact on local residents' quality of life, amenities and enjoyment of their properties'.*

Subject to any further comments from the Council's EHO it is considered that the proposal is contrary to the requirements of Policy SP20 of the adopted Development Plan.

#### Highways impact

The highways officer has considered that information provided in relation to road widening; passing places and inter-visibility and has re-visited the village to undertake further measurements and assessments. The highways officer's comments are attached to this report. In summary, on the basis that the applicant is prepared to undertake further off-site works (further localised road widening), in terms of highway capacity alone, the highways officer would withdraw the previous recommendation of refusal. In light of this the previous reason for refusal (number 2) which was based on the unsuitability of the roads leading to the site is no longer given.

#### Impact on the character of the village and the Howardian Hills AONB

Notwithstanding the conclusions reached in relation to highways capacity the previously stated concerns in relation to the impact of the road widening/passing places on the character of the village and the AONB still stand. The grass verges through this small linear village contribute positively to the character of the settlement. It is considered that the loss or erosion of existing highway verges (along the village street linking to the public right of way) in order to accommodate the increased traffic associated with the proposed development is at the expense of the character and appearance of the village and the designated AONB contrary to Policies SP13 and SP20 of the Development Plan. In light of this the previous reason for refusal (number 3 in previous report) still applies.

#### **RECOMMENDATION: Refusal** for the reasons Recommended below

1. The Local Planning Authority considers that the proposed development would result in significant noise and disturbance to the occupiers of residential properties located close to and adjacent to the approach road leading to and from the site. The noise associated with on-site activities and its associated traffic is not considered to be capable of being satisfactorily

mitigated. The proposal is therefore considered to be contrary to the requirements of this aspect of Policy SP20 of the adopted Ryedale Plan Local Plan Strategy relating to Amenity and Safety.

2. The Local Planning Authority considers that the development which includes proposals to introduce five engineered passing spaces on the approach road to the site and also along the private driveway would be detrimental to the character and appearance of this part of the village of Sproxton which is located within the designated Howardian Hills Area of Outstanding Natural Beauty. The proposal is therefore considered to be contrary to the requirements of this aspect of Policy SP20 of the adopted Ryedale Plan Local Plan Strategy relating to Character and also contrary to Policy SP13 Landscapes relating to National Landscape Designations.