

Item No. 1.2

Ref. No. DMPA/2019/1007

Valid date: 29/08/2019

Applicant:
Alistair Chapman
Beehive Leisure Ltd

Agent:
Rupert Rayson
Rosliston
Swadlincote

Proposal: Change of use of land to form a seasonal wedding venue including the erection of four linked tipis and the construction of a timber a frame ceremony structure with associated works at Beehive Woodland Lakes, Rosliston, Swadlincote, DE12 8HZ

Ward: Linton

Reason for committee determination

The application has been called to Planning Committee by Councillor Pegg due to local concern that has been expressed about a certain issue and unusual site circumstances that should be considered by the Committee.

Site Description

The site is located off Lullington Road and is located between the villages of Coton in the Elms and Rosliston. The site is fairly isolated and is within a rural location. The site has a fairly flat topography and is heavily screened by existing tree planting with no immediate views into the site. There is currently a car park that serves the site and provides around 50 car parking spaces.

The proposal

Consent is sought for the retention of an existing tipi structure and the use of the site for wedding ceremonies and wedding functions during April to October as well as the erection of an additional canopy structure for ceremonies to take place at the site.

Applicant's supporting information

A Planning Statement considers that by the nature and ethos of the business the proposed development requires a rural location. The tipis are temporary in nature and sympathetic to the existing woodland setting. Whilst the timber A-frame structure is technically of permanent construction, it could, if required, be removed with minimal effort should the proposed use ever cease. Furthermore, the open nature of the structure provides a transparency, which helps to assimilate the structure into the surrounding woodland backdrop. In view of the limited impact of the proposal on the local landscape, and in the absence of identifiable harm to any issue of acknowledged planning importance, it is therefore respectfully requested that a conditional planning permission be granted in due course.

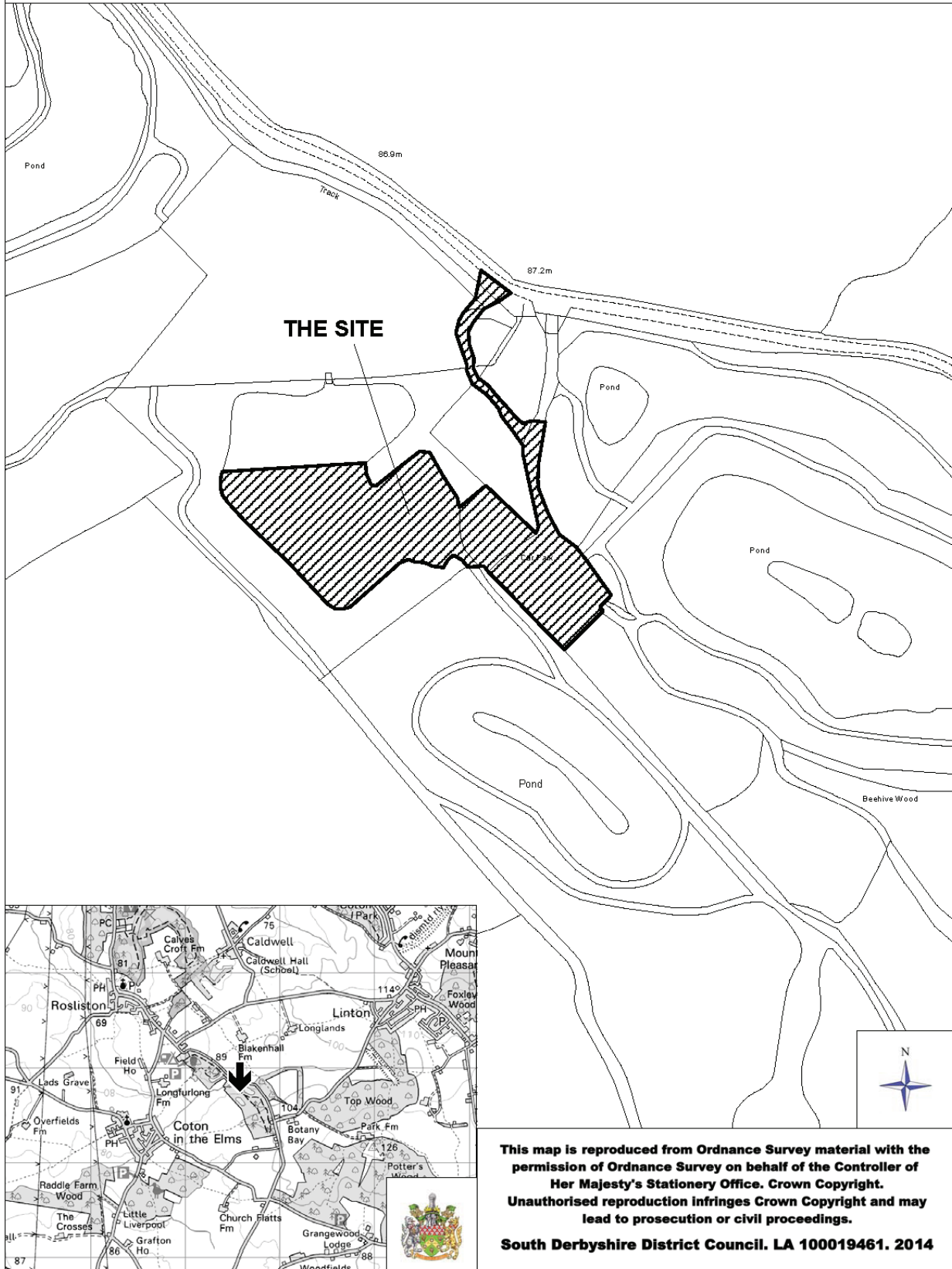
Relevant planning history

9/2001/1073 The formation of a fishing lake – Approved with conditions

Responses to consultations and publicity

The Environmental Health Officer has raised no objections to the proposal but does recognise that there could be noise and disturbance caused by music playing for the functions on the evenings and has recommended the inclusion of planning conditions to ensure that noise would not be allowed to

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exceed a certain volume or be played after a certain time.

The County Highway Authority has raised no objections to the development. Whilst the fronting road is subject to the national speed limit, due to the alignment and rural nature of the road, vehicle speeds are reduced to approximately 40mph and the proposed access could therefore, accommodate the recommended visibility sightlines of 2.4m x 103m in both directions subject to maintenance of the vegetation. Whilst the 50 spaces are currently used for parking in association with the fishing lakes, no fishing will be permitted on wedding days. Therefore, subject to conditions it is considered that this level of parking would be adequate as there would be additional space within the site to accommodate overspill.

The Environment Agency has raised no flood risk objections to the development as the Ceremony Pavilion and Temporary Tipis are located within Flood Zone 1.

Natural England has made no comments on the application.

The Planning Policy Officer has raised no objections. The site, although located in the River Mease Catchment would be served by mobile toilets which would be normal for such development types/uses in rural areas. This approach would represent an attempt to mitigate effects on the SAC justifying an appropriate assessment given the nature of the proposal. STW is not licenced to receive tankered deliveries of waste water into treatment works at any Mease catchment works and so any discharges would be exported out of catchment and would have no effect on the SAC. If the flows were to go to the foul network it would be served by Clay Mills and so would also be exported out of catchment.

Severn Trent has raised no objections subject to conditions relating to details of surface water drainage.

Responses to publicity

There has been one letter/email of objection received raising the following issues:

- a) There has been an increase in traffic and noise (music and singing and shouting) at the Hidden Hive in recent times.
- b) Concerns with regard to over development of this site which was agricultural land and became part of the National Forest as a woodland and wildlife habitat.
- c) Object strongly to music, lighting and late night activity at this site.

Rosliston Parish Council would wish to object on the grounds of noise to local residents, safe visibility for the traffic using the venue entrance/exit and the danger of increase in traffic.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF8 (The National Forest) and INF10 (Tourism Development).
- 2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), BNE5 (Rural Development) and BNE7 (Trees, Woodland and Hedgerows).

National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance

- South Derbyshire Design Guide SPD

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue(s) central to the determination of this application are:

- Principle of development;
- Visual Impact; and
- Impact on Amenity

Planning assessment

Principle of development

The site is located outside of a designated settlement boundary and would be considered to be development within the open countryside. There is scope within policies INF10 and BNE5 of the Local Plan for the creation of tourism based facilities within the open countryside provided that they are supported by a sound business case, that the proposed operational development would be of a temporary or reversible nature and that the proposed works would not give rise to undue impacts on the local amenity by way of noise or disturbances.

A business case has been submitted with the application to support the use of the site for wedding ceremonies and wedding functions, showing that there have been wedding functions carried out on the site under permitted development since 2017, with bookings being taken into 2020. With the increase in demand for the use of the site, consent is now sought for the use of the site between April – October for wedding functions and ceremonies and the associated physical structures. This shows that there is a demand for the proposed use and that the subsequent application has been submitted as a result of the growth and demand for the business.

In addition, the tipis and timber canopy structure for the ceremonies would not be fixed to the ground and could be removed from site at a later date. The proposed works would therefore, not create permanent structures and if the use were to cease at a later date the structures could be removed and the site could be returned to its original state. This would therefore, satisfy the criteria of the policies INF10 and BNE5 in that the structures would be of a temporary and reversible nature.

Visual Impact

Policies INF10, BNE1 and BNE5 of the Local Plan support the erection of new structures outside of settlement boundaries for tourist accommodation and leisure facilities provided that the structures would be well designed and would not have an undue impact on the landscape and character of the area.

The structures are of a small and temporary nature and the tipis and timber canopy structure would be in-keeping with the wider woodland feel of the site. The structures would be screened from wider public view by existing tree planting that surrounds the site, which all but omits views into the site. On the basis of this, the structures would not have a harmful visual impact and would comply with the principles of policies BNE1, INF10 and BNE5 of the Local Plan.

Impact on Amenity

Concerns have been raised by local residents with regard to noise from loud music at the site during the evenings. The site is located in a particularly remote location and is contained by the fishing lakes and caravan park to the north, with the nearest residential property located around 500m away from the site.

The Environmental Health Officer has requested the use of planning conditions to control noise at the site late at night; by limiting the maximum noise level that could be emitted from the site and for the applicant to provide details of this and how it shall be done as well as no music to be played after 11pm. This would endeavour to address the concerns that have been raised by local residents with regard to likely noise pollution. On the basis of this and with the inclusion of these planning conditions, the development would not have an undue impact on the amenity of local residents and would comply with the principles of policies SD1 and BNE5 of the Local Plan.

Other

Concerns have been raised by local residents with regard to the increase in traffic to the site. The site is currently used as a fishing lake and when the site is used for wedding purposes, the fishing lake would not be in use, of which this could be controlled through the use of planning conditions. This would allow the car park and all the overflow area to be available for parking for the wedding venue and would ensure that vehicles visiting the site could leave the site in a forward gear. Subject to the inclusion of these conditions, there have been no objections raised by the County Highway Authority and it would be considered that the development would accord with policy INF2 of the Local Plan.

Conclusion

The development would comply with policies BNE1, BNE5, INF2, INF10 and SD1 of the Local Plan and it is recommended that the application is approved subject to conditions.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

GRANT permission subject to the following conditions:

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with plan(s)/drawing(s) ref. Location Plan, received 29th August 2019, Block Plan, received 29th August 2019, Proposed Tipis, received 29th August 2019 and Proposed Ceremony Structure, received 29th August 2019; unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

- 3 The site, to which this permission relates, shall only be used for wedding ceremonies and wedding functions from 1st April to 31st October in each calendar year and shall cease operation outside of these times.

Reason: To ensure that the use is operated in accordance with the submitted application documents and as it has been assessed.

- 4 No other permitted activities on the site shall take place on the site when it is being used for wedding days and the sole use of the car park shall be to serve the wedding ceremony and wedding function use during wedding days.

Reason: In the interest of highway safety and to ensure that there is an adequate level of parking available for the wedding use.

- 5 Prior to the first use of the site for wedding ceremonies and wedding functions, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the level of music noise emitted from the development shall not exceed 30dBA between the hours of 0700-2300 measured as a 15 minute LAeq at the nearest sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. The findings from the approved scheme shall be incorporated into the development within a time limit agreed in writing by the Local Planning Authority and shall be retained thereafter for the the lifetime of the use.

Reason: In the interest of protecting the neighbouring public amenity from noise pollution.

- 6 No music shall be played at the development between the hours of 23:00 to 07:00.

Reason: To protect the public amenity from noise pollution.

- 7 Prior to any weddings taking place on the site, the existing vehicular access to Lullington Road shall be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 103 metres in each direction measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interest of highway safety.

- 8 Prior to any weddings taking place, space shall be provided within the site curtilage for the parking and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of highway safety.

- 9 The car park area shall not be modified and the timber structure shall not be installed until a scheme for the drainage of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall accord with water quality principles as set out in the River Mease Special Area of Conservation Water Quality Management Plan. The scheme shall be carried out in conformity with the approved details prior to the first use served by the surface water drainage system.

Reason: To ensure that surface water from the development can be directed towards the most appropriate waterbody in terms of flood risk and practicality, noting that certain works may compromise the ability to subsequently achieve this objective.