

Planning Statement to accompany a full application for the renewal of the change of use from single dwelling house (use C3) to a holiday let property (sui generis) at Liberty House, Hepworth, Market Weston, IP22 2PF



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Table of Contents

Introduction	4
Location & Site Description	6
Proposed Development	9
Planning History	11
Policy Justification.....	13
National	13
Local	13
Commentary	15
Mitigating measures put in place to control potential noise.....	15
Noise monitoring over the past year.....	20
Conclusion.....	22

Introduction

This planning statement accompanies a full planning application for the change of use of Liberty House from a single private dwelling C3 to a holiday let property sui generis.

This property has already been the subject of a planning application (DC/19/0344/FUL, see attached decision notice Annex A) which was approved subject to conditions.

The proposal was presented to the Development Committee with a recommendation of approval by the case officer without the temporary condition imposed. However, following consideration by members, the application was granted on a temporary basis.

The restrictive condition was worded as follows:

- *The holiday-let use of the property hereby permitted shall be discontinued and the property shall revert back to a single C3 dwelling house within 12 months from the date of this planning permission.*
- *Reason: to ensure the proposal is able to satisfactorily comply with the provisions of policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies, the permission hereby granted is of a temporary nature so that the noise impacts arising from the site may be considered further in 12 months.*

It is for this reason that Planning Direct has been instructed to produce this statement on behalf of the applicant in order to demonstrate that the the noise impact of the holiday let, as monitored over the past year, has been acceptable and the grant of permission on a permanent basis is therefore justified.

Based on the council's response to application DC/19/0344/FUL, it is evident that the only planning matter relevant to the determination of this application for permanent permission is its noise impact. Accordingly, this statement provides full consideration of this matter, including discussion of the past year's noise monitoring and of proposed mitigation measures.

The documents submitted to support this application comprise:

- LOCATION_PLAN-1546549.pdf
- FLOOR PLAN
- Annex A-DECISION_NOTICE-1623194.pdf (Relating to DC/19/0344/FUL)
- Annex B-COMMITTEE_REPORT-1623193.pdf (Relating to DC/19/0344/FUL)
- Annex C-ACOUSTIC_REPORT-1588099.pdf (Noise Management Plan)
- Annex D-APPEAL_DECISION-1786135.pdf
- Annex E-DC_18_2137_FUL-COMMITTEE_REP (Attenuation fence application)
- Annex F-Liberty House Suffolk terms and conditions.pdf

Location & Site Description

The site is located outside of Market Weston, a small ancient village in the heart of rural Suffolk. It is a civil parish in the west district of Suffolk. It is located near the Norfolk border around 7 miles south-east of Thetford, 10 miles west of Diss and about 13 miles north-east of Bury St Edmunds.

Liberty house is an existing 8 bedroomed residential dwelling set within approximately 3 acres of associated amenity grounds and garden. It is located outside of the Market Weston settlement boundary. The property has no immediate neighbouring properties and 3-sides of the property boundary has open fields.

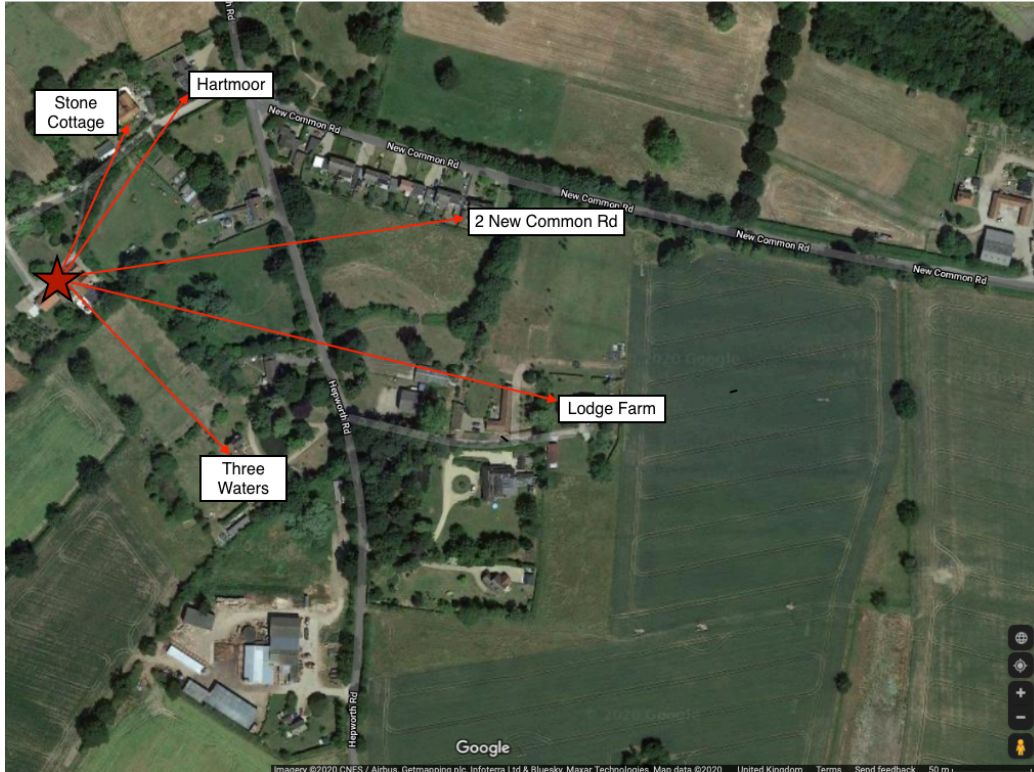


To the north, west of and south of Liberty House lies undeveloped, open countryside with fields and the occasional working farm such as Hardy's Farm which specialises in rearing pigs.



Aerial view of the locality

Residential properties can be found to the north, east and south east of Liberty House. However, as indicated by the below aerial view, these retain generous separation distances from the application site; with the nearest neighbour lying approximately 113m away.



Property Name	Distance from Liberty House
Stone Cottage	113m
Rose Cottage	140m
Hartmoor	147m
Three Waters	150m
2 New Common Road	160m
Lodge Farm	333m
Swiss Cottage	1900m

Distance to neighbouring dwelling as presented in the Committee report 07.08.2019 (see annex B)

Proposed Development

As described in the committee report on the previous application DC/19/0344/FUL (see attached annex B) the proposal is as follows:

“2. The 8 bedroomed property can be booked throughout the year and save for sporadic periods when the applicant may wish to use the property for personal holiday purposes, there are no periods in which the property is ‘off-line’. No other external operational development or alterations to the property are proposed. The application under determination only proposes a change in the property’s use.

3. Liberty House is a large dwelling set within a very spacious and generous plot of approximately 3 acres. The property has 8 bedrooms across the ground floor, first floor and the attic. Vehicular access is achieved via an unmade lane onto Hepworth Road.

4. As a holiday let, the property is only available as a whole unit and the application does not seek a mixed use. Therefore, [...]”.

As part of the terms and conditions of the property’s use, all holidaymakers are required to abide by house rules (including robust noise-restriction rules), or else forfeit their £1000 deposit (See Annex F)

The condition of use of Liberty house as a holiday let are detailed in the Noise Management Plan (see attached acoustic report Annex C, p.10) any breach of those rules and the holiday makers would forfeit some or the entirety of their £1000 deposit depending of the breach:

“5.1 Hours of operation

The house terms provided to hirers specify that there should be no external noise between 22:00 hours and 09:00 hours. To achieve this, we recommend that hirers wishing to use the sound system after 22:00 hours should close the Living room patio door. The patio and garden areas should not be used for noisy conversation after 22:00 hours. The house terms also specify that the external hot tub cannot be used after 22:00 hours.

5.2 Permissible music levels

[...]The house terms forbid other sound equipment to be brought into the property.

5.3 Outdoor noise

The house terms forbid sound systems to be used in external areas of the property. The

use of fireworks on the property is also forbidden.”

In order to incentivise the clients to be mindful of the neighbourhood, the applicant checks in and checks out the holiday makers herself. This provides the opportunity to restate - and confirm the clients' understanding of - the house rules in person. This assists holidaymakers to act responsibly and take accountability for their use of the property.

Hen, stag and corporate parties are not allowed. The rigorously vetted booking system enables the applicant to refuse any parties which raise suspicions that they may not adhere to the house rules.

Liberty house is essentially targeting a familial market, as the swings and the trampoline in the garden demonstrate it. The large garden is also the perfect settings for familial ball-games.

Planning History

Reference no.	Description	Decision	Date
AP/20/0018/ STAND	Appeal-Retrospective Planning Application - Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis).	Appeal Dismissed	28.10.2020
R e f . N o : D C O N (A) / 19/0344	Application to Discharge Condition 3 (noise management plan) and 5 (bin area) of application DC/19/0344/FUL	Condition 3 discharged	11.12.2019
DC/19/0344/ FUL	Retrospective Planning Application-Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis).	Approved	22.08.2019
DC/18/2137/ FUL	Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)	Approved	09.08.2019
DC/16/1930/HH	Householder Planning Application - Single storey extension to south east elevation (following demolition of existing conservatory)	Approved	04.11.2016
E/95/1042/P	Planning Application - Erection of single storey wood store to south west elevation of barn as supported by letter dated 17th February 1995 providing further details	Approved	03.02.1997
E/93/1697/P	Planning Application - Erection of two storey side extension and conservatory, detached double garage and workshop, and detached workshop, store and vehicle shed as amended by plan received 16th June 1993	Approved	07.07.1993

Reference no.	Description	Decision	Date
07.07.1993	Erection of detached dwelling house	Approved	07.07.1993

Policy Justification

National

NPPF (2019)

Chapter: 15 Conserving and enhancing the natural environment

Paragraph 170: Planning policies and decisions should contribute to and enhance the natural and local environment by:

[...]

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of [...] noise.

Local

West Suffolk Joint Development Management Policies Document 2015

Policy DM2: Creating Places - Development Principles and Local Distinctiveness

Proposals for all development (including changes of use, shopfronts, and the display of advertisements) should, as appropriate:

[...]

- taking mitigation measures into account, not affect adversely:

[...]

v. the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or

vi. residential amenity;

- not site sensitive development where its users would be significantly and adversely affected by noise, smell, vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented;

[...]

Policy DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. All applications for development where the existence of, or potential for creation of, pollution is suspected must contain sufficient information to enable the Planning Authority to make a full assessment of potential hazards.

Development will not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts arising from the development on:

- the natural environment, general amenity and the tranquillity of the wider rural area;

[...]

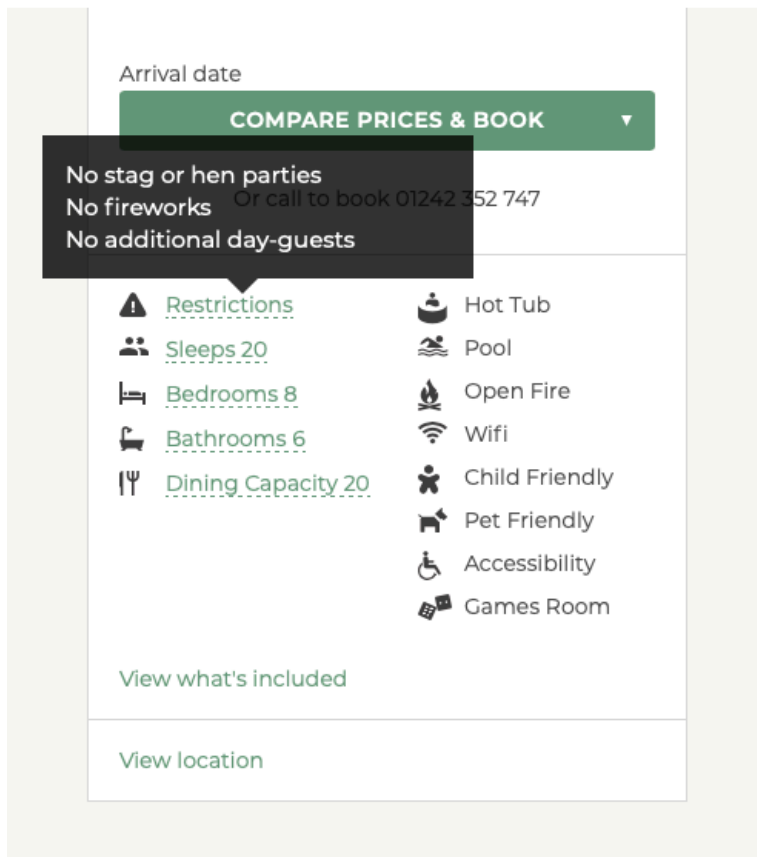
In appropriate cases, the local planning authority may impose planning conditions or through a legal obligation secure remedial works and/or monitoring processes.

Commentary

Mitigating measures put in place to control potential noise

Throughout the process of applying for the change of use the applicant has demonstrated her willingness to collaborate with the local authorities in order to reassure the neighbouring dwelling that the property will be used in a manner which is respectful to its rural setting.

All online listings of the holiday let make it clear that the property is not suitable for hen parties, stag parties, corporate event or weddings. This is indicated by the below screenshot. At no point is it allowed to have more than 20 people at the property and on average bookings have been composed of 14 people. In addition, the property is marketed as a quiet, relaxing, luxury retreat, which has been developed and aimed at the family market.



Moreover in 2019, as per Planning application DC/18/2137/HH a noise attenuation wall (see annex E for the related Development Control Committee Report) was erected on the edge of the patio at the applicant's own initiative. This structure was put in place in order to attenuate any intrusive noise emanating from the use of the patio by the holidaymakers.



Picture of the noise attenuation wall at Liberty House

The approval of the first change of use application AP/20/0018/STAND, was conditioned as detailed in the introduction. A noise management plan was subsequently submitted (Ref.No: DCON(A)/19/0344), as required by condition 3, resulting in this condition being discharged.

Conditions Discharged

Condition 3:

Within 2 months from the date of this planning permission, a Noise Management Plan which sets out the measures that are to be taken to minimise the potential noise impacts of the development shall be submitted to and approved in writing by the LPA. Unless otherwise agreed in writing, the development shall be carried out in complete accordance with any details as shall have been approved by the LPA and the Noise Management Plan shall not be altered or amended without the prior written consent of the LPA.

A written 12 month record of all bookings (including party size and booking type) shall be maintained and made available to the LPA for inspection upon request.

Planning and Regulatory Services, West Suffolk Council, West Suffolk House,
Western Way, Bury St Edmunds, Suffolk, IP33 3YU

Reason: to ensure the proposal is able to satisfactorily comply with the provisions of policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Officer Comment

In their formal response dated 28 October 2019, the Council's Public Health & Housing service have confirmed that the information submitted under this application is sufficient to enable the discharge condition 3 of DC/19/0344/FUL. Condition 3 is therefore discharged.

Extract of Application to discharge condition 3 (noise management plan)
of application DC/19/0344/FUL

As detailed in this Noise Management Plan (see annex C), the following recommendations to control any potential noise have been applied:

“5 NOISE MANAGEMENT STRATEGY

5.1 Hours of operation

The house terms provided to hirers specify that there should be no external noise between 22:00 hours and 09:00 hours. To achieve this, we recommend that hirers wishing to use the sound system after 22:00 hours should close the Living room patio door. The patio and garden areas should not be used for noisy conversation after 22:00 hours. The house terms also specify that the external hot tub cannot be used after 22:00 hours.

5.2 Permissible music levels

As discussed in Section 4.1 of this report, the permanently-installed sound system in the Living room can generate internal music levels of up to 77dB LAeq,T. This is relatively loud for typical domestic use and in practice we would expect the system to be used at lower levels for activities such as watching television or playing background music for dining, etc. The house terms forbid other sound equipment to be brought into the property.

5.3 Outdoor noise

The house terms forbid sound systems to be used in external areas of the property. The use of fireworks on the property is also forbidden.

5.4 Noise monitoring and control

We understand that a noise warning device is to be installed in the Living room. This will provide a visual indication when a pre-set level is exceeded so that hirers can be warned if they are making excessive noise and act accordingly. The device will also log noise levels to provide a record for the property owner.

The house terms state that hirers refusing to comply with requests to reduce noise risk losing their cautionary deposit.

5.5 Additional recommendations

We recommend that the property owner considers the following additional recommendations:

5.5.1 Complaint investigation

We recommend that a complaint procedure should be implemented, which would include the following:

- The property owner should provide a means of contact (such as email or telephone) which is known both to the Council and (subject to reasonable constraints) to residents.
- A diary should be kept to log noise complaints if any are received. Log entries should include the name and contact details of the complainant, time and date the complaint is received, nature of the complaint including the type of noise, and the date and time of the cause of complaint.
- The property owner should investigate the cause of the complaint and, where possible, carry out checks to determine whether the source of the complaint originated from the site. If the cause of complaint is shown to have originated from the site, the property owner should where necessary and practicable take action to address the issue.
- Records of the complaint and action taken should be kept for inspection by the local authority upon request for a minimum period of six months.

5.5.2 Glass recycling / disposal

Noise from glass recycling or tipping into disposal bins can generate high levels of noise, which could be audible at nearby residences. Any glass disposal involving tipping into outdoor bins should therefore not take place at night between 22:00 hours and 09:00 hours.”

It is worth noting that the Planning officer’s report to the Development Control Committee (annex B) advised that “a condition requiring the installation of a noise management system would neither be reasonable nor necessary”.

The combination of the above proactive policies has assured the compliance with DM14 which requires that “Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution)”.

It will be demonstrated in the next paragraph that no statutory noise nuisance has been caused over the past monitoring year, following the temporary change of use (DC/19/0344/FUL). The temporary permission covered the period from August 2019 to August 2020, during which time the property was only vacant for June 2020 due to

lockdown. The potentially noisiest period are the summer months, and it should be noted that the property was fully occupied from July through September 2020.

Noise monitoring over the past year

As per the Environmental Protection Act 1990, West Suffolk Environmental Services has the infrastructure in place to record and investigate any noise complaint that is submitted to them and decide if this constitutes “statutory nuisance”.

According to West Suffolk Council website (<https://www.westsuffolk.gov.uk/environmental-services/faqsnoise.cfm>) *“There is no set definition but case law has defined a statutory nuisance as a “material interference with the comfort and enjoyment of another’s home.” What does this mean? In practice, to be a statutory nuisance, the noise would have to be excessive and unreasonable in the circumstances and significantly interfere with the use and enjoyment of someone’s home.*

Examples could be: disturbance of sleep, forcing you to close your windows, preventing you from using your garden, due to the level, time, frequency and duration of the noise.”

Should anyone wish to approach them and complain the procedure is as follows:

“Standard letters are sent to both parties, and the complainant is required to complete diary sheets to record when the noise occurs. Thereafter visits may be made by officers to determine whether or not a statutory nuisance is occurring. We would try to offer advice and assistance to the person who is alleged to be causing the noise of measures that could be taken to minimise the noise.”

It is worth noting that since Liberty House was let to holiday makers in 2018 one complaint was received on 2nd October 2018 then none were received until 17th July 2020. The new measures described to minimise the noise were not put in place until mid 2019.

Following the ongoing use of the property as a holiday let over the past year, some complaints were made and the Complainants were advised by Environmental Services to complete the required diary sheets and revert back.

The applicant has been in communication with Paul Speakman, Public Health and

Housing Officer, regarding the complaints over the past year. He has authorised the applicant to quote the telephone conversation they had on 3rd December 2020 where he confirmed that the complaints were duly investigated but *“no abatement notices were served [on the owner of Liberty house] as the complaints do not constitute statutory nuisance”*.

This is considered to provide reasonable confirmation, at least on the part of the Council’s own Public Health and Housing Officer, that no unacceptable harm has been caused to the local area as a result of noise disturbance arising from the holiday let use of this property.

This demonstrates that both the noise management procedures and rigorous booking policy put in place by the applicant have rendered Liberty House compliant to DM2 which requires that *“Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution).”*

The proposal is similarly compliant with national policy, Paragraph 170 of the NPPF 2019 which requires that decisions makers should prevent *“new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of [...] noise.*

Conclusion

Following the Temporary change of use granted in 2019 decision (DC/19/0344/FUL, see attached decision notice Annex A) the applicant has, put in place the required noise management plan and adopted a rigorously vetted booking system.

In fact, the applicant has gone above and beyond those minimum noise mitigation measures required by application DC/19/0344/FUL, having erected a noise attenuation wall in the rear garden.

Complaints have been recorded , and investigated by the Environmental Services and it was concluded that they did not constitute any statutory nuisance. As such the monitoring period imposed by the decision has demonstrated that the proposal was not in opposition with local and national policies in place to protect neighbouring amenities and localities from developments which would create noise pollution.

As such it is Planning Direct's professional opinion that the proposal should be approved on a permanent basis. The applicant expects the LPA to bring any potential issues arising with the proposal to the attention of Planning Direct at the earliest opportunity, in order that clarifications can be provided and/or solutions agreed where appropriate.