
Appeal Decision

Site visit made on 26 October 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2020

Appeal Ref: APP/N1160/W/20/3256121

St. Anne's House, Jennycliff Lane, Plymouth, Devon, PL9 9SN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neal Stoneman against the decision of Plymouth City Council.
 - The application Ref. 19/01144/FUL, dated 11 July 2019, was refused by notice dated 21 January 2020.
 - The development proposed is the use as a wedding venue and holiday accommodation including marquee, portable toilets and ancillary owners accommodation. (Amended description.)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was amended prior to determination by the Council. The proposed marquee is intended to be used for a maximum of 10 wedding functions per annum (in situ, together with the portable toilets, for no more than 28 days/annum to allow for the erection and dismantling of the marquee). The number of people using the marquee would not exceed 100/event. The type of marquee to be used would vary in size, with the largest measuring 10 metres x 28 metres. The revised car parking layout showed parking for 24 vehicles. (Only 22 spaces were numbered but 2 further spaces were shown. I understand that 1 of these would be available for use by the appellant in connection with his occupation of the Coach House.)
3. On behalf of the appellant, my attention has been drawn to a separate proposal that would include provision for an additional 12 car parking spaces in an 'overflow car park' on an area of lawn to the north of the site entrance (plan ref. 1602/38 Rev D). Whilst that proposal may have been subject to public consultation I have not been informed of any responses. As this 'overflow car park' would be adjacent to dwellings in Stamford Close, it could prejudice the interests of neighbouring residents if I was to take plan ref. 1602/38 Rev D into account in determining this appeal.
4. I have been informed that if the marquee element of the appeal was approved it would be the appellant's intention to operate this facility in association with the use of St. Anne's House as one letting. The Council's reasons for refusal are limited to the impact of the proposed marquee and portable toilets. These elements of the proposal do not appear to be severable from the remainder of the appeal scheme and I have not been requested to consider a 'split decision'.

5. I understand that the marquee to the south of St. Anne's House, which is sited in a different position to the appeal scheme, does not have permission. I have therefore excluded this from a consideration of the 'baseline'.

Main Issues

6. The four main issues relate to the proposed marquee and portable toilets. These are: firstly, the effect upon the character and appearance of the area; secondly, whether the proposals would preserve the setting of the grade II listed St. Anne's House; thirdly, the effect upon the living conditions of neighbouring residents, having particular regard to noise and; fourthly, the effect upon the safety and free-flow of traffic along Jennycliff Lane.

Reasons

Planning Policy

7. The development plan includes the Plymouth and South West Devon Joint Local Plan 2019 (JLP). The most relevant JLP plan policies to the determination of this appeal are DEV1 (health and amenity), DEV2 (noise), DEV21 (historic environment), DEV23 (landscape), DEV24 (Undeveloped Coast and Heritage Coast), DEV27 (Green and Play Spaces) and DEV29 (transport).

Character and Appearance

8. The proposed marquee and portable toilets would be sited on an area of lawn to the south of St. Anne's House. I understand that this forms part of an area of land identified as City Green Space within the JLP and is adjacent to an area of Undeveloped Coast and Urban Fringe. Whilst the appeal site is not available for public use, its green open qualities form part of the attractive coastal landscape on the southern fringes of Plymouth.
9. As I saw during my visit, the appeal site lies within an open and exposed landscape that is popular with visitors and residents. There are views into the site from a section of Stamford Lane to the south west, as well as from parts of the adjoining City Green Space and Undeveloped Coast. The site can also be seen from sections of the South West Coast Path (SWCP) to the south.
10. Many of those visiting this part of Plymouth are likely to be focusing their attention on the stunning views across Plymouth Sound rather than inland and away from the coast. Nevertheless, the proposed marquee and portable toilets would be readily apparent when seen from parts of the adjoining City Green Space and Undeveloped Coast, including a small section of the SWCP.
11. From these parts of the public realm, the marquee, by virtue of its size and likely height and materials (including colour) would contrast awkwardly with the unspoilt green open qualities of the local landscape. Although the marquee would not inhibit any public use or access to City Green Space, this noticeable addition would be likely to diminish the public perception and visual quality of this green infrastructure. The proposal would be at odds with the provisions of JLP policies DEV23 and DEV24 and the objectives of DEV27.
12. The marquee and portable toilets would only be in situ for short periods of time. The adverse landscape and visual impacts that I have identified would therefore be limited. Nevertheless, I conclude on the first main issue that the proposal would detract from the character and appearance of the area.

Setting of St. Anne's House

13. The heritage interest (significance) of this mid-19th century former vicarage designed by William White, is derived primarily from its special architectural qualities. These include its Victorian Gothic/Vernacular style, with steeply pitched roof, axial stacks, windows and slate hanging on the south elevation.
14. The appeal site forms part of the attractive garden setting to this important building. Its unspoilt open qualities assist in maintaining the spacious surrounds and grandeur of this house. The views across the site afford an appreciation and understanding of the architectural qualities of this house.
15. The proposed marquee and portable toilets would erode the unspoilt open qualities and spacious setting of St. Anne's House. By virtue of its siting, size and likely appearance, which could include a white coloured PVC covering, the marquee would intrude into the setting of this listed building and detract from an appreciation and understanding of its special architectural qualities. This would be especially so when seen from Stamford Lane and the green space to the south west. The impact would be for a limited period. In the context of the National Planning Policy Framework (the Framework) this would amount to less than substantial harm to the significance of this designated heritage asset.
16. If there is a sliding scale of harm within the category of less than substantial, the proposal would be towards the lower end. However, great weight should be given to an asset's conservation and this harm does not equate to a less than substantial planning objection. It must be weighed against any public benefits. In this regard, income generated from the development could assist in helping to maintain the fabric of the listed building. However, there is no cogent evidence to show that the well maintained St. Anne's House is at risk of falling into disrepair or any suggestion that residential use would cease. Whilst many other listed buildings throughout the country have temporary marquees, this does not outweigh the harm I have identified above.
17. I conclude on the second main issue that the proposals would fail to preserve the setting of the grade II listed St. Anne's House. There would be conflict with JLP policy DEV21.

Living Conditions

18. The proposed development would increase noise and activity in and around the appeal site. In particular, there would be the potential for much noise associated with vehicles entering and leaving the site (including car doors slamming), large numbers of guests congregating in the marquee, music being played and DJs using microphones. Some of this activity would occur late into the evening¹ and could disturb neighbouring residents in Stamford Close².
19. The appellant's Noise Impact Assessment (NIA) determined that the typical background noise level for the area was 38dBA³. It predicted that the noise level from the marquee would be 45dBA(L_{Aeq}) without taking into account any peaks in the music or talking by a DJ. When assessed against BS4142:2014 'Method for Rating Industrial and Commercial Sound', with penalties for the

¹ I have been informed that the intention would be to allow amplified or live music to continue up to 11pm.

² On behalf of the appellant, it has been calculated that the nearest neighbouring dwelling would be about 75m from the proposed marquee.

³ I note the concerns raised by some interested parties that when this assessment was undertaken the weather conditions were not calm.

character of the noise and intermittency, the NIA found that the proposal would have a total Rating Level of 51dB. This would be 13dB above the typical background level. Although this would be within recommended levels⁴, it would amount to a 'significant adverse impact'. Some noise from inside the marquee is likely to be discernible in the nearest dwellings in Stamford Close.

20. To limit the risk of any serious disturbance to neighbouring residents/avoid noise complaints from those living alongside, the appellant has suggested various measures. These include: directing sound speakers inside the marquee away from neighbouring properties; keeping the side of the marquee closest to neighbouring properties closed during events and not having any openings; incorporating sound insulating materials within the marquee linings and; installing noise limiters on the sound equipment. It has also been suggested on behalf of the appellant that if a subsequent noise complaint was upheld the existing lightweight boundary fence could be replaced with a 2.4m high close boarded acoustic grade timber screen. I understand that fitting the marquee with acoustic panels would cost approximately £25,000.
21. An increase in noise at the boundary with neighbouring residential properties may not necessarily result in an adverse impact upon the living conditions of neighbouring residents. However, it has not been demonstrated that the potential increase in noise at the boundary with neighbouring residential properties could be adequately mitigated so as not to result in adverse living conditions for those living alongside. Noise associated with the use of the marquee could result in significant adverse impacts on the quality of life for those living alongside. This would be at odds with the aims of the Noise Policy Statement for England and the provisions of the Framework for ensuring a high standard of amenity for residents.
22. Acoustic linings within the marquee would be likely to have only a very limited impact on reducing noise levels. Moreover, on hot days/evenings there could be pressure to provide as many openings within the marquee as possible so as to offer guests a comfortable environment. The cost of installing more heavyweight acoustic panels could also be prohibitive, especially as the marquee would only be used for 10 events/years. It is also very far from certain that an acoustic fence would be appropriate within the setting of St. Anne's House or would not be overbearing when seen from Stamford Close. Although the appellant would reside on site to monitor events, it would be difficult to ensure that noise limiters were retained on equipment throughout an event and that DJs only spoke infrequently.
23. On the basis of the information before me, I agree with the Council's Environmental Health Officer that there is a risk of neighbouring residents experiencing unacceptable noise disturbance during the evening. The proposal would conflict with JLP policies DEV1 and DEV2.

Safety and Free-Flow of Traffic

24. The proposed development would result in a significant increase in demand for car parking at St. Anne's House. The Council, having considered the demand for car parking at similar sites elsewhere in Plymouth that provide weddings/civil ceremonies, has calculated that the proposed development (if

⁴ 'Code of Practice on Environmental Noise Control at Concerts' published by the Noise Council. I note the City Council's concerns that this is inappropriate guidance for the type of function/activity proposed.

- used to capacity) could generate a demand for 33 parking spaces. It has also argued that an additional 5-6 spaces would be required for catering staff etc...
25. I agree with the Council that most people attending weddings at the appeal site would be likely to arrive by car and the suggested occupancy rate of 3 persons/vehicle appears realistic. On this basis, when the marquee was being used for 100 guests, in all probability, there would be a shortfall in spaces.
26. I also agree with the Council that any vehicles parked⁵ in Jennycliff Lane alongside would be likely to interrupt the free-flow of traffic and could cause congestion along this section of the local highway network. However, as I saw during my visit, there is a sizeable free public car park a short distance from the appeal site in Staddon Lane. On behalf of the appellant, I have been informed that this car park is rarely full and it could be used by those unable to park at St. Anne's House when attending weddings for 100 guests.
27. As I experienced during my visit, the walk from this public car park to St. Anne's House is not inconvenient. There are no footways along the short section of road leading to/from St. Anne's House and my visit represents only a snapshot in time. However, the drivers of vehicles appeared to be observing the 30 mph speed restriction along this section of the highway and traffic flows were light. There is nothing before me to demonstrate that the section of road between St. Anne's House and the public car park is unsafe or that the development would compromise highway safety interests.
28. I conclude on the fourth main issue that the proposal would be unlikely to have any significant effect upon the safety and free-flow of traffic along Jennycliff Lane. It would accord with the provisions of JLP policy DEV29.

Planning Balance / Overall Conclusion

29. The income derived from wedding events held in the marquee would assist in strengthening the local economy. It would also help support the hospitality industry which has been particularly hard hit during the pandemic. If this was weighed only with my findings in respect of the first main issue above then the planning balance would tip in favour of an approval. However, when the harm to the significance of the listed building and the uncertainty concerning the likely noise impact are also weighed the planning balance then tips against an approval. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector

⁵ As opposed to briefly stopping to allow passengers to get out of or into a car.