

KERSEY – KERSEY MILL, HADLEIGH ROAD

Change of use of first-floor of the maltings and part of ground-floor from offices (B1) to function suite (D1).

Applicant: Mr & Mrs R Kerr

Case Officer: Christine Thurlow

SITE

1. The group of buildings known as Kersey Mill comprises the Maltings and a number of outbuildings which have been converted to a range of Class B1 offices and a fitness studio; within this group of buildings owned by the applicant are also the private house known as Kersey Mill house and the linked building known as Kersey Mill. All the buildings are either listed in their own right or are curtilage structures; all are grade II with the exception of Kersey Mill itself which is grade II*.
2. The buildings lie in a prominent location within the countryside which is located within the Special Landscape; they are accessed off the A1141 and the site also contains protected trees (BT294) and bats. The site lies within the Flood Plain of the River Brett and part of the site is archaeologically important.

PROPOSAL

3. The proposal is to change the use of part of the first floor of one of buildings and part of the ground floor from Class B1 (light industrial or offices) to a function room (Class D1).

HISTORY

4. Since 1978 a total of 13 applications have received the benefit of planning permission for employment related or recreation proposals including the construction of a bridge and the repositioning of a watercourse(as engineering operations), 10 applications have received the benefit of Listed Building Consent for alterations/conversions of buildings on the site, advertisement consent has been granted for the display of signs and there have been two refusals of planning permission for the construction of a new vehicular access.

NATIONAL GUIDANCE

5. **PPS1 (2005) Delivering Sustainable Development**

6. **PPS7 (2004) Sustainable Development in Rural Areas**
7. **PPG15 (1994) Planning and the Historic Environment**
8. **PPG24 (1994) Noise**
9. **PPS9 (2005) Bio-Diversity and Geological Conservation**

PLANNING POLICIES

10. The following Development Plan policies are relevant to the determination of this proposal:

Suffolk Structure Plan 2001:

- CS6 (Rural communities)
- ENV1 (Conservation of the Built Environment)
- ENV2 (Reuse of redundant buildings)
- ENV8 (Special Landscape Areas)
- ENV14 (Flood Protection)
- ENV22 (Archaeology)
- ECON1 (Existing employment uses)

Babergh Local Plan Alteration No. 2 (2006)

- EN11 (Flood Plains)
- EN25 (Noise)
- EM01 (General Employment)
- EM20 (Expansion of employment uses)
- CR04 (Special Landscape Areas)
- CR07 (Landscaping)
- CR18 (Conversion of redundant buildings)
- CN06 (Listed Buildings)
- CN17 (Archaeology)
- ENO3 (Protected Species)

OBSERVATIONS (Original Application)

11. PC – No objections - fully support this application
12. LHA – Does not wish to restrict the grant of planning permission
13. SCC (Arch) – No significant impact on known archaeological sites or areas with archaeological potential. No objection to the development and do not believe any archaeological mitigation is required.
14. SWT – The proposal does not have any additional impact upon protected species or designated habitat or priority Suffolk Biodiversity Action Plan habitats or species.
15. EA – No comment
16. Env. Health – I do not have any objections in principle to the proposed change of use. However, the applicants have not specified the nature of the D1 use, in particular whether or not it will include hosting music events. Given the setting of the building, I suspect that it will be used at least in part for hosting wedding receptions. Such events typically involve the use of amplified music in the form of a disco or live band.

Given that there is potential for the change of use to introduce a significant new noise sources into the premises , we need to consider whether this would have an adverse impact on adjacent residential properties. The premises are located in a predominantly rural area with low background noise levels. As such any new noise at night is likely to be quite dominant and may adversely affect neighbours. The nearest noise sensitive residential neighbours are:

- Cosford Hall – 400m to NE
- Windmill Cottage – 800m to NE
- Stone Street farmhouse -1300m to SE

Given the separation distance between noise source and receiver properties it is unlikely that noise from music functions hosted within the proposed first floor function rooms will would cause a statutory nuisance to the occupiers of the nearest residential properties provided that windows and doors are kept shut whilst events are in progress and source volume levels are reasonable. However there is potential for loss of residential amenity arising from noise and the applicants have not specified how they intend to control noise break-out from the premises.

We have complaint history for the premises with respect to hosting wedding receptions with amplified music in marquees situated within the grounds. This caused disturbance to neighbours.

We need to establish whether it is the applicants intention to host music events as part of their proposed D1 use. If so, then the application needs to include a noise impact assessment that should include the following details:

- Typical source noise levels
- Location of events within the premises
- Numbers of events per year.

- Hours of operation of events
- Assessment of noise attenuation provide by existing building facades
- Details of how source noise levels will be controlled within the function room/s (i.e. type of electronic limiters proposed & trigger level).
- Affect of propagation over distance
- Background noise levels during the times events are in progress (especially significant if hours of operation extend beyond 11pm)
- Details of any structural sound-proofing measures proposed
- Details of air conditioning systems proposed so that events can take place without opening windows and doors for ventilation.

The applicants will need to demonstrate that the noise control measures proposed are adequate to meet the specified criteria:

Even if the applicants can show that they can adequately control noise break out from music events hosted inside the building there are no circumstances where I would support music events, hosted in the open air or within marquees at this premises.

17. Third Party Representations. Four letters have been received objecting for the following précised reasons:

- Wedding, corporate events and the like would be fine if the were only held indoors with windows closed. They will be held in large marquees and tents, offering us, the neighbours no respite from music, and firework finales.
- Disturbance from live music and entertainment. Living in a rural area we do not expect to be kept awake by loud music and raucous behaviour.
- Increased traffic – there is no application for extension to parking facilities.
- Are there any plans to use the access from Ivy Tree Lane as this completely unsuitable road has been used for functions in the past.
- The lane is a single track with a dangerous bend very close to the entrance to the Mill and near misses are on almost daily occurrence.
- The existing car park and security light already interfere with our enjoyment of the immediate surroundings and ahs a detrimental impact on the local wildlife.
- Are the proposed plans for Kersey Mill appropriate, given its rural location and the significant impact that large social events would have on the neighbourhood.
- The proposed operating hours forces us to object to the planning application as it almost certainly will have a detrimental impact on our quality of life.
- Loss of privacy – Wedding and conference facilities might bring even more people to the river bank at later hours, compromising our privacy and quiet enjoyment of a rural location.

OBSERVATIONS (following submission of the applicants Noise Assessment and amended car parking layout)

18. PC – No objection - fully support the application
19. Env Health – I do not have any objections to the proposed change of use. I am satisfied that the noise assessment produced by SRL robustly demonstrates that the proposed use as a function suite for music events will not cause statutory nuisance or loss of residential amenity to any neighbouring property provided windows and external doors are kept shut during events and source volume levels are kept at a reasonable level.

I would therefore recommend approval of the application subject to the imposition of the following conditions:

- An electronic noise limiter with trigger level set at 80dB_A shall be installed in each function room prior to first use of the premises and shall be retained thereafter.
 - Music amplification equipment used in the premises shall not be powered by any electrical supply other than via a electrical ring main connected to the noise limiter.
 - All external doors and windows within function rooms shall be kept shut at all times whilst music is playing.
 - Amplified music shall not be played in the open air or within any tent or marquee situated within the curtilage of the premises.
20. Third Party representations. Two letters have been received, objecting for the following précised reasons:
- The report is not easily accessible to someone like myself without expert acoustic knowledge. However there are some omissions – the report does not state that the prevailing wind is from the SW which clearly has a considerable effect on how sound travels. The position of the River Brett and the steeply rising ground is omitted which have a definite impact on sound.
 - The noise levels have been monitored on Kersey Mill property and these are close to the main road which has a higher background noise level than here and this effect the estimated outcome.
 - An independent and impartial survey would also have monitored potential and actual noise levels from our site
 - Other potential noise impacts, other than from music, such as late night traffic, firework display and wedding guest high jinks have not been considered.
 - How will closure of windows and doors be enforced and what penalties would ensue if they were disregarded.

- The recommendation to deal with low frequency sound (that dreaded boom-boom-boom) so detested by all victims of aggressive noise pollution – are simply inadequate.
- It is pleasing to know that the possibility of noise disturbance to neighbours and the surrounding rural environment is taken seriously by the Council and that provision to minimise it is likely to put in place.
- Will automatic noise limitation measures be adhered to indefinitely?
- The survey does not take into account the prevailing wind, the steep bowl-like lie of the land and the river and the impact of these factors on how sound travels.

ASSESSMENT

21. This group of listed buildings form an important group of converted buildings within the landscape in Kersey. The majority of the buildings have been converted since the 1970s for employment related uses although in recent years, planning permission has been granted for a fitness studio marking a step change towards a mixed use of recreation based and employment uses on the site including the applicants own dwelling and the important grade II* building known as Kersey Mill.
22. This proposal builds upon the step change by the change of use of a previously used Class B1 office building to a function suite (Class D1). No alterations are proposed as part of this application; although the building was previously subdivided by modern partitions. These have now been removed without the need for Listed Building Consent and the building has been returned to an open volume on this floor which represents an improvement to the character of the listed building (akin to its former use as a Maltings.)
23. Given that the reuse of the building accords with the mixed use nature of the site and accords with policies which are aimed at securing appropriate uses within listed buildings within the countryside the proposal is acceptable in principle. The Local Highway Authority have raised no objection to the proposal. The main issue to be determined is whether the impact of the proposal on residential amenity in terms of noise can be controlled. Subsequent to the submission of the application a noise assessment has been produced. This demonstrates that activities can be conducted within the building subject to appropriate safeguards being put into place as outlined in paragraph 20.
24. Subject to the imposition of conditions as recommended by Environmental Health relating to the control of noise from the premises to the proposal the application is recommended for approval subject to the conditions as listed below.

REASONS FOR APPROVAL

The proposal for the change of use of the former office building is considered to accord with the provisions of Development Plan policies ENV2, ECON1, EN25, and CNO6, which seek to secure alternative uses for buildings within the countryside and allow the expansion of existing businesses for employment related uses providing there is no detriment to road safety, residential amenity or the environment. Subject to the imposition of satisfactory conditions to control noise and the provision of parking, the proposal has no material adverse impact upon the amenities enjoyed by local residents and is acceptable in highway safety and environmental terms.

RECOMMENDATION

Grant Planning Permission subject to conditions –

- As recommended by Environmental Health
- Hours of operation
- Provision of parking
- Control over use to that specified

DECISION
