

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT COMMITTEE**

11th December 2023

Application No:	HPK/2023/0370	
Location	DOVE HOLES CRICKET CLUB, HALLSTEADS, DOVE HOLES, DERBYSHIRE, SK17 8BT	
Proposal	RETROSPECTIVE PLANNING APPLICATION FOR THE TEMPORARY MULTIFUNCTIONAL MARQUEE	
Applicant	Dove Holes Cricket Club	
Agent	Roger T Marshall	
Parish/ward	Limestone Peak Ward	Date registered 27/09/2023
If you have a question about this report please contact: Pet Twigg tel: 07525705997 p.twigg@planningangel.co.uk		

REFERRAL

The application is brought before the Development Control Committee as the application is locally contentious

1. SUMMARY OF RECOMMENDATION

Refusal

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is a temporary marquee attached to the southern elevation of the existing club house to Dove Holes Cricket Club. The site is accessed via a road leading off the A6 into the club car park.

2.2 The marquee sits between the car park and the sports field, opposite (separated by the A6/Hallsteads) are residential properties, the site is situated within a predominantly residential area.

2.3 For the purposes of the Local Development Plan, the site lies within the built-up area and is not constrained by any sensitive statutory designation.

3. DESCRIPTION OF THE PROPOSAL

3.1 This application seeks planning permission for the existing marquee, acknowledged to be a temporary structure. The marquee was erected in 2020 during the pandemic and has been retained and is used by the Cricket Club as an entertainment, live music, and social venue. The application seeks permission to

retain the marquee on a permanent basis and allow use to be during the following hours:

- Performance Live Music (indoors and outdoors) Monday to Sunday 11am-11pm; Sunday to Thursday 11am-11pm; Friday to Saturday 11am-midnight
- Playing Recorded Music Indoors Friday to Saturday 11am- 00:30; Sunday to Thursday 11am-11pm
- ***Saturday and Sundays between April and September and Bank Holiday Mondays = an additional hour***

Full details of the application and all representations received can be found at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=263152>

4. RELEVANT PLANNING HISTORY

4.1 HPK/2005/0784 Construction of twin lane cricket practice facility grassed spectator area and rebuilding of some dry stone walls - Approved.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S6 Central Sub-area Strategy
EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF6 Accessibility and Transport

5.2 Supplementary Planning Document

1. High Peak Design Guide Adopted 2018

5.3 National Planning Policy Framework (2021)

Including sections -

12: Achieving well-designed places

6. CONSULTATIONS CARRIED OUT

Public Consultation expiry date: 19 October 2023

Site Notice expiry date: 20 November 2023

Public Comments

In excess of 150 representations supporting the marquee and valuing the space for entertainment and community social events.

Eleven residents living close to the site objected expressing adverse harm to the enjoyment of their properties due to noise nuisance late at night especially for the elderly and children, but the inability to keep windows open, sit and relax or listen to the TV. Stating that there is a Community Centre close by that can host live music events.

Town / Parish Comments

Noted the proximity to neighbouring residential properties and the visual impact the marquee has especially being sited on the main A6. If HPBC were mindful to approve the application a condition should be applied that no music is to be played in the marquee only in the main building. Only 12-15 events can take place a year in the marquee and the marquee must be removed or replaced with a permanent structure within 3 years.

United Utilities

Encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer.

Highways Authority

Perking provision should satisfy the requirements of the Local Plan.

Environmental Health

Environmental Health being aware of the harm caused to the amenity of neighbours, recommends refusal of the application proposed based on evidence of the current levels generated during events in the marquee. Marquees generally are temporary structures and offer little sound attenuation thereby are not suitable for live, or amplified music, on a frequent basis, in evenings. Live music events are frequent at this venue and as objectors have pointed out a more suitable community building (community centre) is available that would better contain and minimise noise nuisance to neighbours, whilst still allowing celebratory events to occur.

Environmental Health have in their consultation response said that should the application be considered for approval restrictive conditions should be imposed – bearing in mind they have already recorded levels of 64dB during live performances.

Suggested Conditions:

Noise

There shall be no live music performance, or amplified recorded music played at the premises after 23:00 on any day

Noise from the development shall not exceed 50dB LAeq, 15 minute, when measured 1m from the façade of any residential building.

Noise 2

All windows and external doors shall be kept closed after 21:00 hours, or at any time when live or recorded music entertainment takes place, except for the immediate access and egress of persons.

7. OFFICER COMMENT AND PLANNING BALANCE

Principle of Development

7.1 Local Plan policy S2 identifies Dove Holes as a 'Larger Village' where a moderate scale of development may be acceptable, consistent with meeting local rural needs and maintaining or enhancing their role, distinctive character or appearance whilst also maintaining existing facilities and services.. Whilst there are no 'in principle' objections to the application, all other material planning considerations must be satisfied for the scheme to be supported. In this instance the considerations include design, visual impact, neighbour amenity, and parking provision.

Design & Visual Impact

7.4 Policy EQ6 refers to design and states that all development should be well designed and be of a high quality that responds positively to both its environment and the challenge of climate change, whilst contributing to local distinctiveness and sense of place. New development should be well designed to respect the character, identity and context of the High Peak's townscapes and landscapes. Development is expected to contribute positively to an area's character, history, and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

7.5 The NPPF requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

7.6 A marquee is a large tent used for social or commercial functions, the purpose is generally temporary and used to provide shelter and privacy for one off/occasional functions. Marquees are not constructed with robust materials. As such marquees are tolerated for their purpose, often erected under permitted development. The marquee on this site has been erected since 2020 and the application infers continued use without defining an end period.

7.7 The location of the cricket club clubhouse is set just off the A6, a main thoroughfare to and from Buxton. The marquee is situated at the end of the building and in a highly visually prominent location.

7.8 The design is acceptable for a temporary purpose, not for longevity on the streetscene. The visual impact is high. It is for these reasons that the continued presence on site for an indefinite period is not acceptable, and to do so would be contrary to policy EQ6 of the Local Plan and the "beautiful buildings" spirit of the NPPF.

Amenity

7.10 High Peak Local Plan Policies EQ6 seeks to secure development that does not result in unacceptable effects on the amenity of the area by reason of visual

intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on the conservation area character and amenity.

7.11 In the knowledge of the known outcomes of the noise monitoring exercise already conducted, the Environmental Health team raise concern that live and recorded music is central to the proposals set out in the planning statement. The proposed timings on the application form state live and recorded music performance up to 1am on Saturdays and Sundays, from April to September. Measurements have previously been taken opposite the site; outside residential properties, indicating noise levels of 64dB during live performances. This represents a significant loss of amenity, impacting on occupants of residential dwellings.

7.12 Environmental Health being aware of the harm caused to the amenity of neighbours, recommends refusal of the application proposed based on evidence of the current levels generated during events in the marquee. Marquees generally are temporary structures and offer little sound attenuation thereby are not suitable for live, or amplified music, on a frequent basis, in evenings. The comments of the many people who have written in support of the application are noted, that the proposal is a valued community facility for social events. Live music events are frequent at this venue and as objectors have pointed out a more suitable community building (community centre) is available that would better contain and minimise noise nuisance to neighbours, whilst still allowing celebratory events to occur.

7.13 Environmental Health have in their consultation response said that should the application be considered for approval restrictive conditions should be imposed, suggesting shorter times for music performance than those sought by the applicant, limiting the noise from music to 50dB and requiring doors and windows to be kept shut after 21.00hrs.

7.14 Officers have concerns, however, about the enforceability and reasonableness of such conditions, particularly given the transient nature of potential breaches of sound levels and doors and windows being opened and closed. Also, bearing in mind that EH officers have already recorded levels of 64dB during live performances.

7.15 Neighbouring residential properties are currently being adversely affected by unacceptable noise levels; objection letters received clarify how the noise level is detrimental to the enjoyment of their homes. The desires of the cricket club and persons frequenting the cricket club should not override the established residential community and cause detriment to their enjoyment of their homes.

7.16 The Environmental Health team have confirmed that they have acted on noise complaints received about the site. On this basis the retention of the marquee on a permanent basis is not acceptable.

7.17 The cricket club is a valuable community social space, and if it requires more space this should be satisfactorily accommodated within a permanent extension. Environmental Health has suggested that any granting of permission should carry with it conditions to be adhered to - however, to grant permission would perpetuate the nuisance experienced by neighbours which currently adversely impacts on the enjoyment of their properties.

Highway Safety

7.18 Policies EQ6 and CF6 seek to ensure that all new development is served by a safe and satisfactory access, incorporating well-integrated car parking.

7.19 The parking and driveway remain unchanged. Status quo remains, the 28 parking spaces shown to be on site satisfy the parking standards requirement in the Local Plan for Assembly and Leisure uses. It is considered that there should be no detrimental effect on highway safety and will comply with policy CF6 of the Local Plan.

7.20 The parking and driveway remain unchanged. Status quo remains, it is considered that there will be no detrimental effect on highway safety and the proposal will comply with policy CF6 of the Local Plan.

8 PLANNING BALANCE

8.1 For the reasons outlined above, the retention of the marquee (as detailed on the approved drawings) is recommended for refusal. The marquee is visually prominent and thereby inappropriate on a roadside location. The use of the marquee is causing noise breakout, evidenced by Environmental Health recordings, and generating nuisance that significantly harms the amenity of neighbouring residential properties. Whilst, the community benefits from retention of the venue are noted, particularly in view of the availability of alternative venues within the village, these are not considered to outweigh the harm to residential amenity and the character and appearance of the area.

8.2 Taking into account the provisions of the development plan and all other material planning considerations, it is recommended that planning permission be refused.

9 RECOMMENDATION

A. That planning permission is REFUSED for the following reasons:

- 1. The marquee structure is of a temporary nature and is not suitable as a permanent prominent feature at this location adjacent to the A6 as it would be detrimental to the character and appearance of the street scene. Furthermore, the structure due to its temporary nature offers little in the way of sound attenuation and has been demonstrated to cause nuisance to residential properties. The amplified sound played within the marquee causes unacceptable detriment to residential amenity due to noise breakout. The harm caused visually and to residential amenity outweighs any community benefits of retaining the marquee. The development is contrary to the provisions of Policy EQ6 and Policy EQ10 of the High Peak Local Plan (2016) and the NPPF**

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to

the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

INFORMATIVE

1. The local planning authority considers that the proposed development is unacceptable in principle. It has therefore not been possible to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area in line with the NPPF.

