

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1<sup>st</sup> August 2007

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **S/0764/07/F - BARRINGTON**

**Extensions, Alterations and Change of Use from Office to Residential and Function Facility at Barrington Hall, Haslingfield Road for Mr Sutcliffe and Miss Fernandes**

**Recommendation: Approve subject to Conditions**

**Date for Determination: 19<sup>th</sup> June 2007**

**This Application has been reported to the Planning Committee for determination because the Parish Council objects, contrary to the officer recommendation and due to the receipt of further information following consideration of the proposal at July 2007 Planning Committee meeting.**

#### **Update:**

1. Members will recall deferring the application at the July 2007 Planning Committee Meeting. The July report is attached as appendix 1, electronically.
2. The application meeting was deferred so that officers could identify appropriate conditions relating to noise (including from fireworks) and frequency of events and determine, in discussion with the Environmental Health Officers, the operating conditions, which should be properly controlled under the licensing legislation as apposed to on any planning permission.

#### **Further consultation**

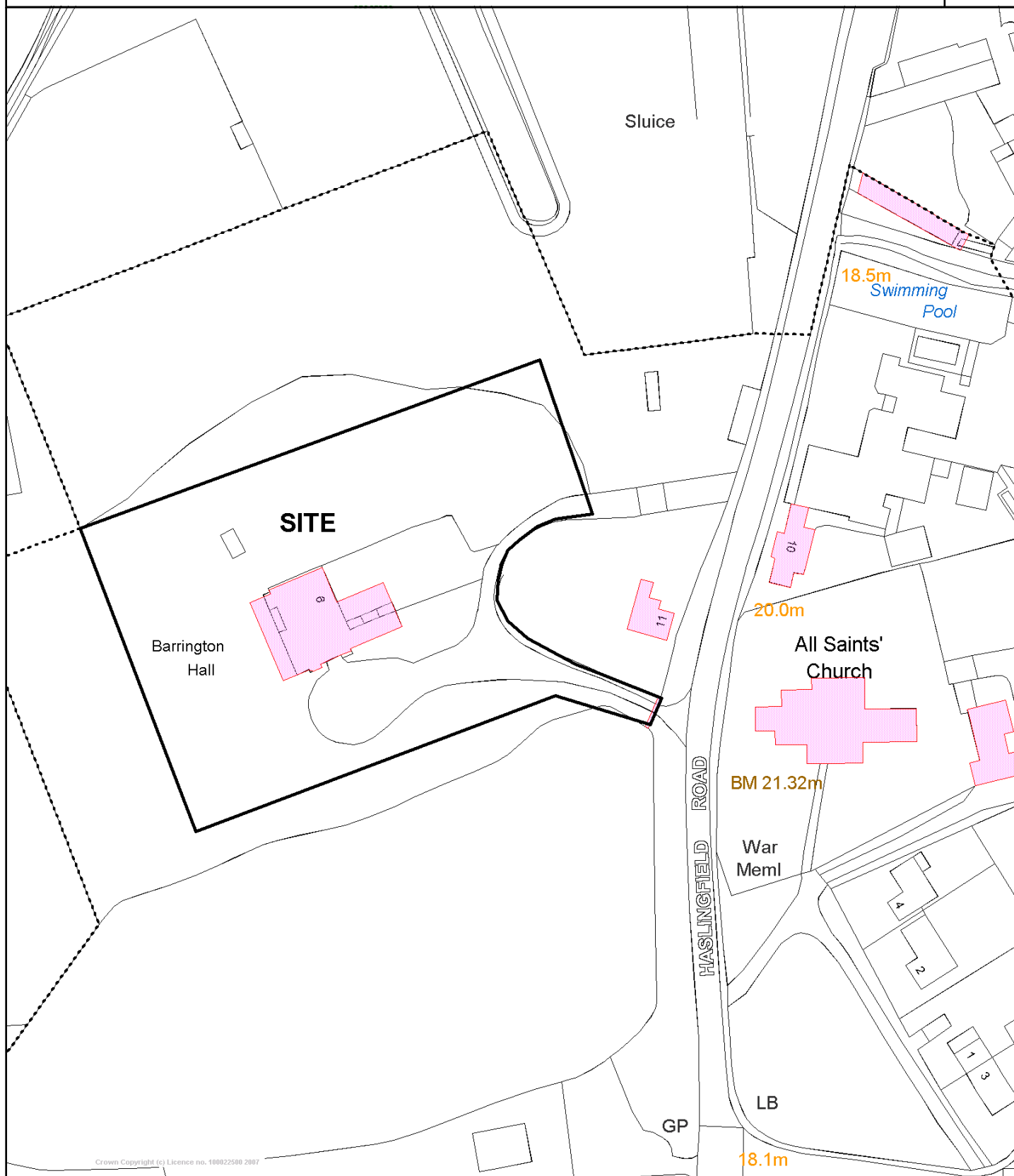
3. Comments from the **Environmental Health Officer** were received, the comments read as follows:

"I have no adverse comments to add in respect of the application at this time. However, any conditions to control noise will be added from an Environmental Health Standpoint on receipt of an application under the Licensing Act 2003.

I conclude there are no significant impacts from an Environmental Health Standpoint."

4. I conclude from these comments and additional conversations with the Environmental Health Officer that conditions are not enforceable by Environmental Health unless they are in breach of the agreed licensing that at present have not been applied for. It is understood however that should a noise complaint be made Environmental Health are able to act insofar as legislation allows with reference to noise pollution.
5. "The **Environmental Health Officer** further states: "the most stringent manner in which to control noise may be through licensing conditions which may include sound limiters, which limit the volume at which amplified music can be played. If breached, these act by cutting the music out. Prior to any events, the limiter should be set out a level considered appropriate by the Local Authority.

S/0764/07/F



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6. With respect to required decibel levels, these are more in common with Planning Policy Guidance 24 which is associated with monitoring noise from existing sources at locations proposed for building noise sensitive developments, and BS4142 which investigates noise in mixed industrial and residential areas. For instance, noise levels from an extraction system and the level experienced close to the nearest façade of the dwelling.
7. Therefore, as stated, the primary legislation in this instance would be the Environmental Protection Act 1990, having specific regard to sections 79 and 80. Therefore considerations is given as to whether any noise, if complained of, indeed constitutes a statutory nuisance and subsequently warrants further action, which is down to the investigating officers discretion. A key factor here, is also whether the noise is deemed “unreasonable” on which there is case law available, as well as that which is available stating that specific decibel levels are not required to prove the existence of a statutory nuisance”.
8. Discussions with Licensing have confirmed that it is able to control regulated entertainment (including dancing, live music and recorded music) and the sale of alcohol through a licensing application. An application for this has yet to be submitted.
9. However, the Local Planning Authority control certain issues that have been raised. Providing the condition can be regarded as coming within each of the six tests (necessary, relevant to planning, relevant to permitted development, enforceable, precise and reasonable in all other aspects, all listed within the Circular 11/95) the Council can reasonably condition the number of events held per year, the total restriction on the playing of music of any form after 11.30pm and the maximum number of firework displays per year. The conditions will have to be precise.

#### **Further representations**

10. A letter of objection has been received from the occupiers of No.23 Bendyshe Way who raise serious concern with regard to the noise that will be emitted from such proposed uses, alcohol and noise related to drunken behaviour, an increase in traffic movement, the difficulty in removing a licence once granted and not enough proposed employment to benefit the village.
11. Another letter has been received from the agent representing the applicant who has stressed further how the applicants have had ongoing discussions with Barrington Parish Council, the most recent dated 27<sup>th</sup> June 2007 where the event number was further reduced in light of the requests made by the Parish Council. The scheme has been significantly modified to address the issues that have been raised and the agent believes there is not much more that has to be changed to reach the aspirations of both parties.

#### **Traffic**

12. With reference to the other concerns raised I am would like to reiterate the applicants workings on the predicted vehicle movements. The agent showed a decrease in the vehicular movements for the proposed uses, clearly indicating a reduction from the recent office use at this site, outlining 12000 journeys per annum for the office use and 8000 per annum for the proposed uses.
13. It was reported verbally at the July Committee meeting that the applicant has agreed to reduce the event usage further still to 24 weekend functions per year, in line with

that of the Parish Councils requirements. This will reduce traffic movement further still, the agent now implying a figure of 7000 per annum. Not only has this reduced the traffic to and from this site but also the proposed uses are less coincidental with peak traffic flow. It was also suggested that the applicant re-arranged the proposed conference use outside of school start and leaving times. This would again have a lesser impact on the surrounding vehicular movements. The parking arrangements for this application are sufficient for its required use.

14. The agent has, since July Committee, written to the Local Highways Authority for further comments on the figures provided to ensure these are not seen as just estimates but carefully considered conclusions following consistent methodology in relation to both the existing and proposed traffic situations. The LHA response will be reported verbally.

### **Fireworks**

15. The applicant is aware of the concern of the Parish Council regarding firework displays and the discussions raised in the July meeting. The agent has since written to the Cambridgeshire Fire and Rescue Service to ask for further advice on Firework displays and the relevant publications on handling them. The applicant has also responded to these concerns by suggesting a frequency of a maximum of 7 displays per year between the times of 9.30pm and 10.00pm in the northwest corner of the site. It is my opinion that this does not seem unreasonable and could be conditioned accordingly. However in the interests of moving forward the agent has confirmed the applicants would conform to a lower limit than the 7 previously suggested, although Members should note that the Parish Council requested no firework displays because of proximity of thatched roofs, danger to crops and potential noise disruption to the village. I am of the opinion that the 7 suggested is not unreasonable.

### **Conclusion**

16. In light of the further consultations carried out I am confident that the control of the proposed uses can be achieved adequately. The applicant will need to obtain a licence for the proposed wedding and entertainment use and once in place any breach of the conditions imposed can be enforced by the Environmental Health Department.

### **Recommendation**

**Approval - as amended by drawings 811/125A, 811/122B and 811/73B franked 11<sup>th</sup> June 2007.**

**Conditions are to be read in conjunction with the Listed Building application S/0765/07/LB, approved 13<sup>th</sup> July 2007.**

1. Live and recorded music shall not be played between the hours of 23.30 hours and 09:00 hours at any event associated with the use, hereby permitted, unless previously agreed in writing by the Local Planning Authority.  
(Reason – To safeguard the amenity of the occupiers of the neighbouring properties in the area).
2. The function facility use of the site, hereby permitted, shall not exceed 24 events per year and the conference use hereby permitted, shall not exceed 70 events per year  
(Reason – To ensure the intensity remains consistent and to safeguard the amenity of the neighbouring properties in the area).

3. The use, hereby permitted, shall not commence until full details of the location of the proposed marquees have been submitted to and approved in writing by the Local Planning Authority; No marquee shall be placed on the land other than in accordance with the approved details.  
(Reason – To ensure the marquees are located in the best location to help reduce potential noise pollution to protect the occupiers of the neighbouring properties in the area).
4. No functions shall be held on Sundays or Public Bank Holiday Mondays.  
(Reason - To safeguard the amenity of the occupiers of neighbouring properties).
5. Fireworks displays shall not take place on the site other than between 21.30 hours and 22.00 hours and shall not exceed 7 events in any one year; the siting of these displays shall be restricted to a site-specific area, the details of which shall be submitted to and agreed in writing by the Local Planning Authority.  
(Reason – To safeguard the amenity of the occupiers of the neighbouring properties in the area).
6. The use, hereby permitted, shall not commence until the vehicular access have been widened to a width of 5 metres for a distance back into the site from the existing gate piers of 18 metres. (Reason - In the interests of highway safety).

### **Informatives**

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/2** (Environmental Restrictions on Development)  
**P7/6** (Historic Built Environment)  
**P4/1** (Tourism, Recreation and Leisure Strategy)
  - **South Cambridgeshire LDF Development Control Policies 2007.**  
**HG/6** (Extensions to Dwellings in the Countryside)  
**CH/5** (Conservation Areas)  
**CH/4** (Development within the Curtilage or Setting of a Listed Building)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Residential amenity including noise disturbance
  - Highway safety

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004/LDF Development Control Policies 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/1993/06/F, S/0764/07/F and S/0765/07/LB

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