

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6th May 2009

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

S/0249/09/F - BARRINGTON

Removal of Condition 1 of Planning Permission S/0764/07/F

Barrington Hall, Haslingfield Road, Barrington for Mr M Sutcliffe and Ms F Fernandes

Recommendation: Approve subject to Conditions

Date for Determination: 20th April 2009

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to a number of representations and because the site is located within the Conservation Area.

Conservation Area

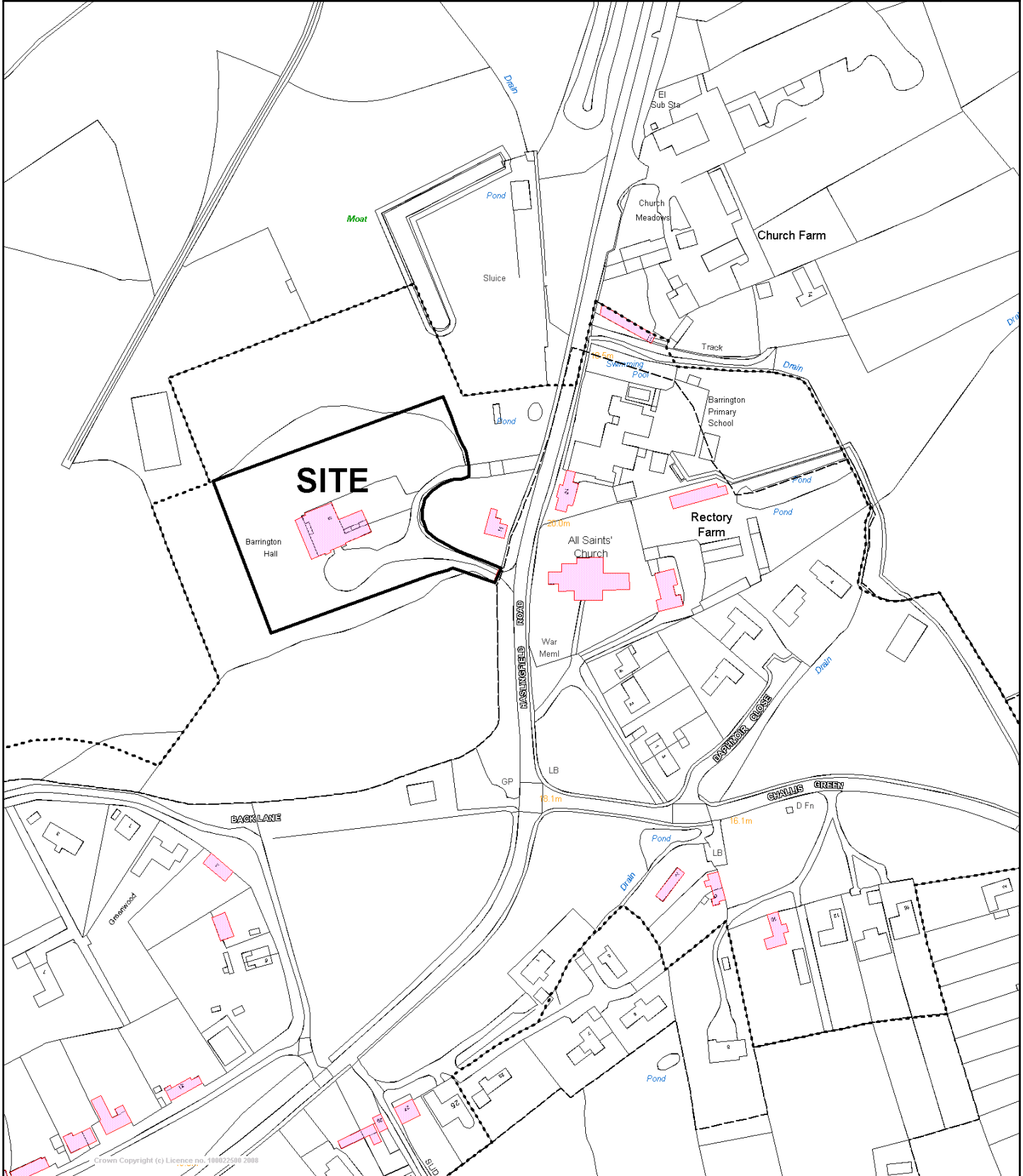
Listed Building

Site and Proposal

1. The 0.94-hectare application site is located to the west of Haslingfield Road opposite All Saints Church on the outskirts of the Village Framework for Barrington. The site comprises a large 3-storey Grade 2 Listed Building with a smaller associated lodge, also a Listed Building, located 55 metres to the east of the main building and approximately 15 metres north of the entrance. The application site does not refer to all the grounds owned by the applicant, comprising some 3.7 hectares. The aforementioned buildings are predominately bound by trees and shrubs to the north, south and west and a mixture of fencing and wall on the eastern boundary, fronting Haslingfield Road, all of which is outside of the application site edged red.
2. The application received 20th February proposes the removal of Condition 1 of Planning Permission S/0764/07/F that proposed extensions, alterations and a change of use from office to part residential and function facility. The said condition reads as follows:

The permission for the function facility use of the site, hereby permitted, shall be for a limited period only expiring on 30th April 2009, at which time the use shall cease unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason- In order that the Local Planning Authority can properly assess the operation of the use on the amenity of adjoining residents and highway safety).

The application is accompanied by a Planning Statement and an Acoustic Report.



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/2500 Date 16/4/2009

Centre = 539634 E 249960 N

May 2009 Planning Committee

3. Access to and from the site is from Haslingfield Road, directly opposite the village church. This scheme included the access to the main building from Haslingfield Road and proposed a single storey extension 13m x8.3m in area to the eastern elevation for the erection of a swimming pool at lower ground level, internal alterations to the Listed Building and a change of use to part of the ground floor of the building. The intention was to use this for business and social gatherings such as weddings, parties and conferences. Numbers ranging from 30 to a maximum of 240 people were proposed, using associated external marquees also, the largest of which is estimated to be approximately 21 metres x 9 metres in area.
4. The application proposed a maximum of 32 events (with an average of 160 guests) per year, the majority of which to be held at the weekend and 70 events (with an average 60 guests) per year, the majority on weekdays.

Planning History

5. Barrington Hall has been used as offices for over 20 years, the most recent tenants, Global Graphics, IT specialists, departed from the premises in December 2006 when the lease expired. The owners of the property have been residing in the associated aforementioned lodge. There have been an array of earlier planning applications dating back from 1965, however the majority of which are not directly related to the current outstanding application.
6. An application submitted late 2006, planning reference **S/1993/06/F**, comprised the same proposed development as that of **S/0764/07/F**. This was withdrawn in December 2006 following negotiations and considerations, not just in terms of planning but also directly linked with the conservation and preservation side of the works proposed.
7. Planning reference **S/0764/07/F** was granted temporary consent at Planning Committee 1st August 2007 until 30th April 2009 and subject to restrictive conditions including time limits on music played, number of events held per year, firework displays and highway conditions.

Planning Policy

Circular 11/95 “The use of conditions in planning permissions” Paragraph 112

8. Under the above reference it is stated that a second temporary consent should not normally be granted. A trial period should be set sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer.
9. **South Cambridgeshire Local Development Framework Development Control Policies 2007**

DP/1 – Sustainable Development
DP/3 – Development Criteria
DP/7 – Development Frameworks
CH/3 – Listed Buildings
CH/5 – Conservation Areas
NE/15 – Noise Pollution

Consultation

10. **Barrington Parish Council** – Recommends approval for permanent permission subject to the following conditions:
- (a) “The dB limit inside the marquees to be 85 peaking to 90, and the monitoring to continue. The Parish Council would welcome a tangible commitment to the construction of a permanent dedicated function room.
 - (b) There would be no firework displays.
 - (c) The location of the marquee to remain the same.
 - (d) Live and recorded music shall not be played between the hours of 23.00 and 09.00hours at any event unless previously agreed.
 - (e) The function facility shall not exceed 24 events per year and the conference use 70 events per year.
 - (f) No functions shall be on Sundays or Public Holiday Mondays.
 - (g) The vehicular access be widened to enable coach and bus services for guests to enter and leave the site safely, removing the need for set down and waiting on Haslingfield Road.”
11. **Corporate Manager (Health and Environmental Services)** – “An acoustic report has been submitted in association with the planning application and I am satisfied with its content. Investigations when amplified music has been played in the marquee have indicated that a statutory noise nuisance is unlikely to be caused. However, to protect the amenity of nearby premises I would recommend the imposition of the following condition:
- When Music events are held in association with the use hereby permitted and within an external marquee, they shall be in full accordance with the noise mitigation measures detailed in the conclusion of the acoustic report entitled ‘Barrington Hall noise Breakout from Marquee’ for Helen Fernandes of Barrington Hall by Tim Lewers BSc MSc MIOA dated February 2009.”*
12. **Conservation Manager** has no objections to the scheme. “The condition in question does not impact or affect the Listed Building or the Conservation Area directly. As a result the team is happy to defer the matter to the planning officer. If they are minded to approve the removal of this condition, it is important to ensure that all factors have been carefully considered against the information put forth. If there are additional variables that the team should be aware of please bring it to our attention.”
13. **The Local Highways Authority** had no objection in principle to the previous application subject to widening the access within the site and that there was adequate space clear of the highway for two cars to pass safely before entering. This has been achieved. The Local Highway Authority has not yet commented upon this application. Any comments will be reported verbally at Committee.

Representations

14. An email received from the agent dated 17th April 2009 provides a list of all the events (19 in total) held at the Hall from the date of the consent to January 2009 that had live bands or amplified music. It includes some of the dates that have been mentioned by local residents.
15. As with the previous application there have been numerous letters received regarding this application. In total, at the time of writing this report 25 letters of support have been received, 3 of which are from non-residents of Barrington and 3 that raise minor

concern over noise on specific dates. I have received 4 letters of objection to the scheme in its entirety.

16. Below are the concerns raised from objectors:

- (a) The occupiers of 2 Challis Green (269 metres SE from marquee position) have had ongoing concerns with regards to noise and disturbance and included in their submissions are copies of correspondence that has been sent/received between themselves and the applicants. The primary concerns are noise and disturbance inside their premises at an unacceptable level. It has regularly woken their son and prevented them from enjoying their home. In addition to this the occupiers have very little confidence in the applicants having any control over noise and disturbance due to specific events that have occurred over the period of monitoring. Concern also raised regarding the marquee and its permanent erection for 11 months.
- (b) Occupiers of 23 Bendyshe Way (555 metres ESE from marquee position) specifically refer to 2 occasions where they have been unacceptably disturbed by noise (18th October and 6th December 2008) and marginally disturbed by a heavy bass (12th August and 20th September 2008). It is not believed the applicants can soundproof the marquee and though a function room seems like an acceptable solution it is pointed out that the applicants have not progressed with the development of this as it is not financially viable at present and only having temporary consent. Additionally the occupiers have little faith in the applicant being able to control noise in the future given the applicants have openly admitted control was lost at venues on occasions when noise was a major problem.
- (c) A letter has also been received from the occupier of No. 9 Back Lane (245 metres SW from marquee position), who has raised concerns about the noise and disturbance from the marquee and the premises in general such as people leaving and disturbing the village late at night. Additionally it is suggested that noise levels are legally controlled.
- (d) The occupier of No.4 Haslingfield Road (182 metres SE from marquee position) is concerned that the applicants have not had enough operation time to allow for a true and accurate assessment of noise and suggests an additional 2 years temporary consent. Additionally the parking of coaches on the bend at Haslingfield Road is dangerous and should not be encouraged.

17. Letters have been received from 16b Haslingfield Road (156 metres ENE from marquee), 2 High Street (203 metres SSW from marquee) and 2 Haslingfield Road (195 metres SE from marquee) that have supported the scheme but refer specifically to certain event dates that have caused a degree of nuisance (6th December 2008), have picked out anomalies within the engineers report and the applicants aspirations for providing a diverse music range (Para 2 of engineers report and Para 2.9 of Planning Statement) and are uncertain about having live bands play as they seem to be the noisiest with little control over disturbance levels.

18. With reference to the letters of support and objection, including those with minor concerns I have plotted them on an attached map (Appendix 1). Support from non-residents should be considered also though these have been marked at Barrington Hall as they have an interest as employees.

19. The letters of support include the following points:
- (a) Provides location for village events
 - (b) Stimulates employment and social development
 - (c) Withdrawal of fireworks is welcomed
 - (d) Valuable facility to the village
 - (e) Brings vibrancy socially and economically
 - (f) Encourages outside users to the public house, the shop and to the village
 - (g) House is beautifully restored thanks to the business use
 - (h) Events now held at Hall would normally be held in local gardens or public houses that are far more disturbing and harder to control
 - (i) Has assisted in fundraising events for local school
 - (j) Use of parking facilities for the annual Summer Fete
 - (k) Applicants have been consistently willing to adopt and improve practices that accommodate those most affected by noise
 - (l) Barrington Hall has become the focal point for local events at no charge for fundraising events
 - (m) Now Barrington Hall is up and running it would be a great loss to the village if the application were refused.
 - (n) No noise or traffic impact
 - (o) The village has seen the loss of several companies over the years including Cemex recently all of which has negatively impacted on other village services
 - (p) Great contribution to the Community
 - (q) Applicants have been more than accommodating to individual concerns (particularly with regards to fireworks around harvest time)
 - (r) Improved grounds
 - (s) Very well run and managed in all areas
 - (t) Has provided many local employment opportunities.
 - (u) Bring wider variety of visitors to the village

Planning Comments – Key Issues

20. The key issue with respect to this application is the impact the removal of the temporary consent (attached by condition to the earlier planning application allowing for a change of use, specifically function facility) and allowing permanent consent will have on neighbour amenity, highway safety and the appearance and character of the Conservation Area?

Noise Impact on neighbours

21. Specifically this relates to the proposed wedding and/or party functions involving music and the associated movements of people using this facility. The application does not intend to reduce the number of events agreed in the earlier application. Concern was raised in the previous scheme about live music and the volume created and it was agreed that a time restriction on music was put in place. Noise limits were not conditioned in the earlier approval. However in light of complaints and concerns raised by residents the applicants have been working closely with the Local Authority Environmental Health Team in achieving acceptable levels of noise during functions at the Hall.
22. The applicants state within the Planning Statement that firework displays will be stopped completely and they are happy with a condition restricting them. It is also intended to install a noise limiter within the marquee and to accept a condition with regards to this. A noise monitoring position 40m from the marquee to the south would be set up where noise levels should not exceed 44dBA. The applicants are also

aware of the noise from live bands that include un-amplified drum kits and are looking at withdrawing this instrument from their venues altogether.

23. Complaints from neighbours have identified concern over noise and disturbance on specific occasions. The temporary consent was to provide the applicant and Council with time to test the boundaries as to what is and is not acceptable and on most parts this has been positive, leading to an acceptance of the recommendations of the Acoustic Report.

Highway Safety

24. The original concerns of the Highway Authority have been addressed. The gate piers at the entrance are grade 2 Listed Buildings and the area before entering the site was seen as acceptable in size for two cars to pass.
25. The new use is very different to that of the previous office use and temporary consent was granted to allow the Local Authority to assess any highway implications that may have occurred over the monitoring period.
26. It was apparent that there would be potentially more movement over the weekend period if the change of use for functions was granted consent. The use during the week was predicted to be significantly less than that of the previous use as offices. The calculations were estimated using best knowledge, and it was clear that the traffic movement was going to be variable. Residents have raised concern regarding the parking of coaches on Haslingfield Road. This has led to noise and disturbance to neighbouring properties and it has been requested by the Parish Council that the entrance be adapted to accommodate the large buses/coaches. The 19th Century gate and gate piers are Listed and the Conservation Manager is highly unlikely to support their relocation. The Local Planning Authority has not received any complaints with regard to traffic movement to date.

Impact on the Conservation Area.

27. The scheme has successfully preserved the original quality of the Listed Building; the primary objective of Policy CH/5 is to preserve and enhance. This has positively enhanced the Conservation Area rather than letting the hall fall into disrepair. Conservation Areas are not designated because of the 'peace and tranquillity' of them, but due to the historic and architectural importance of buildings, spaces and landscape within them. The majority of these designated areas are primarily located around the main through roads within South Cambridgeshire villages, covering a hive of varying activities, buildings and materials. Barrington is no different. I am of the opinion that the change of use has not had an adverse impact on the character of the Conservation Area or the character and setting of the Listed Buildings.
28. In conclusion, I am of the view that the removal of the condition and hence the grant of permanent permission will not have an adverse impact on the Conservation Area, Highways or the amenity of the surrounding properties providing the correct measures are carried out to ensure noise pollution is not a problem and restrictions are put in place regarding the intensity of the uses at this site. I am of the opinion that permanent consent be granted but is subject to conditions that control the level of noise, eliminate firework displays and control the hours of live and recorded music.

Recommendation

29. Approve subject to conditions relating to the following matters:

Conditions

1. Time restriction on music. (Reason - To ensure neighbour amenity is not unduly affected by noise.)
 2. Noise limiter to be used at events and set at a level that is acceptable to Environmental Health. (Reason – To ensure neighbour amenity is not unduly affected by noise and in accordance with the requirements of Environmental Health.)
 3. Restriction on number of events per year (Reason - To protect neighbour amenities.)
 4. No functions to be held on Sundays or Public Bank Holidays. (Reason - To safeguard the amenity of the occupiers of neighbouring properties.)
 5. No Firework displays to take place on the site. (Reason – To safeguard the amenity of the occupiers of the neighbouring properties in the area.)
- (+ Any conditions required by the Local Highways Authority)

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

- South Cambridgeshire Local Development Control Policies (adopted July 2007)
- Planning Files Ref: S/1993/06/F, S/0764/07/F and S/0249/09/F
- Circular 11/95: The use of conditions in planning permissions

Contact Officer: Saffron Garner – Senior Planning Assistant.
Telephone: (01954) 713082