

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

13 May 2015

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/0201/15/FL

**Parish(es):** Barrington

**Proposal:** Extension of time for functions (live or recorded music) from 23.30pm to 12.30 for four events per year and to 01.00am for one event per year.

**Site address:** Barrington Hall, 9 Haslingfield Road, Barrington, Cambridge, Cambridgeshire, CB22 7RG

**Applicant(s):** Ms H Fernandes

**Recommendation:** Approval

**Key material considerations:** Residential Amenity

**Committee Site Visit:** No

**Departure Application:** No

**Presenting Officer:** June Pagdin

**Application brought to Committee because:** Parish recommendation of refusal conflicts with the view of officers

**Date by which decision due:** 2.April 2015 extended to 15 May 2015

### Executive Summary

1. The proposal was originally for the extension of hours for playing both live and recorded music until 12.30 or 01.00 am for an unspecified number of events each year. A revised proposal was submitted for four events until 12.30am and one until 01.00am (for a community function). The Parish Council and residents have objected on grounds of noise pollution. Some noise generated by the events cannot be contained by the special equipment in the marquee. In response the recommendation is for approval but with conditions which do not extend the hours for playing live music beyond 23.30pm and also limit the hours for playing recorded music to 12.00 midnight on four occasions and that these are held one each in four months of the year.

## **Planning History**

2. **S/0764/07/F** – Temporary use of the ground floor of the hall for a function facility and use of upper floors for residential. Conditional approval Aug 2006 to April 2009.
3. **S/0249/09/F** — Removal of Condition 1 of Permission Ref No S/0764/07/F to allow permanent use of the ground floor for functions. Approved.20.5.2009.
4. **S/0379/12/VC** — Variation of Condition 4 to allow use of function facility on Sundays and Bank Holidays. Approved 03.07.2012. Condition one of the extant permission states  
*“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 agreed in writing by the Local Planning Authority.”*

## **Planning Policies**

5. **National Planning Policy Framework**
6. **Local Development Framework Core Strategy**  
ST/6 Group Villages
7. **Local Development Framework Development Control Policies**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
CH/3 Listed Buildings  
CH/5 Conservation Areas  
ET/5 Expansion of Firms  
ET/10 Tourist Facilities and Visitor Accommodation  
NE/15 Noise Pollution
8. **District Design Guide SPD (Adopted March 2010), Appendix 6: Noise- Detailed Design Guidance**
9. **Draft Local Plan**  
SC/6 Indoor Community Facilities

## **Consultations**

10. **Barrington Parish Council** - has objected to the initial and the revised proposals for the following reasons:

BPC discussed the amended application. The Council were informed that residents have again written to the Planning Department objecting.

Therefore the Council agreed to maintain its previous view that the existing conditions i.e. “To safeguard the amenity of the occupiers of the neighbouring properties in the area in accordance with Policies DP/3 and NE/15 of the Local Development Framework Development Control Policies (Adopted 2007), are relevant, still apply and are justified.

The Parsi Council therefore object to this application and recommend refusal.

11. **Local Highways Authority** - Considers that the proposal would not result in a significant adverse impact upon the public highway. No objection.
12. **SCDC Environmental Health Officer** - Has concerns over the proposed extension of time as complaints have been received regarding playing of music late at night in the past. However these did not result in prosecutions for statutory nuisance. This could be a problem if the events occur in a marquee rather than the hall itself. I request the extension only applies to music being played inside the building and excludes any outside events including marquees etc which only have minimal noise attenuating properties. The area is generally quiet and has low background noise levels

### **Representations**

13. Eight representations have been received. Seven objections from owners/occupiers of neighbouring properties in Back Lane, Haslingfield Road, Challis Green, and High Street:
  - Can hear activities from surrounding houses and gardens
  - Noise late at night already disturbs our sleep
  - Disturbs children's sleep
  - Noise disturbance in nearby houses and gardens.
  - The May Ball is not an annual event.
  - Three properties in Back Lane are vacant at present.
  - 12.00 midnight is late enough.
  - Noise insulation of property no double glazing and thatched roof.
  - Can hear music in the house even with windows closed.
14. One letter of support was received:
  - If new hours make the Hall more attractive to hirers there would be a benefit to economic health of village.
  - Provides casual work for young people in the village.

### **Planning Comments**

15. The application site comprises Barrington Hall, a Listed Building, which is used as a function and conference facility in the ground floor of the Hall and in the marquee in the northern side of the grounds. There is a ground floor extension on the north east side of the property used as a private pool room but also converts into a function room for live music events. There is a residential unit on the upper floors.
16. The house stands in gardens and the boundaries to the north and south are planted with mature trees and shrubs.
17. The site is within Barrington Conservation Area but just outside the Village Development Framework.

### **Proposal**

18. The proposed development is to Vary Condition 1 of Permission Ref No S/0379/12/VC to extend the permitted hours for playing recorded and live music from 23.30pm to 12.30am on four events per year and until 1.00am for a further one event for the May Ball.

19. The main planning considerations in this case are the principle of development and the impact of the proposal on residential amenity. The function facility was granted temporary permission in 2007 and permanent permission in 2009. It has been in operation since then subject to conditions over the times when music can be played, installation of noise-limiting device in the marquee, the number of events permitted each year (24 functions and 70 conferences), prevention of firework displays, dimensions of the vehicle access and the location of the marquees.
20. The operation of the function facility was extended to Sundays and Bank Holidays (S/0379/12/VC) subject to limits set out in Condition 4, which exclude use on Good Fridays, no two consecutive days and music ceasing at 22.00 hours. These events are included in the 24 events per year. A copy of the full planning permission is provided at Appendix 1.

21. **Principle of Development**

The site is located outside the Barrington Development Framework. Policy ET/5 says that expansion of existing firms will be supported on previously developed sites close to village frameworks provided it would not cause problems with traffic, noise pollution or other damage to the environment. Policy DP/7 states that outside village frameworks development for outdoor recreation will, in principle, be acceptable.

22. **Residential Amenity**

The chief consideration with regard to residential amenity is the effect of noise on the neighbouring properties in the village and particularly those close to the site. The impact of noise nuisance is dependent on its level and frequency.

23. **Noise levels** - Policy NE/15 (Noise Pollution) Section 5 states that the District Council will seek to ensure that noise from proposed recreational uses does not cause any significant increase in the background noise level of nearby noise-sensitive property such as dwellings. The Detailed Design Guidance Note Appendix No 6 (Noise) (Adopted March 2010) seeks to limit the noise emissions from a use shall not increase background noise levels at the boundary of the application site by more than 3dB. It also requires that tonal noises should be corrected by 5dB.
24. The nearest residential properties are 155m away at Haslingfield Road (No 4), 230m away at Challis Green and 150m away at Back Lane.
25. The marquee is positioned to the north of the main hall and the function rooms are in the ground floor of the house. The Kendal Suite is an extension to the Hall in a conservatory –style room with a glass roof and windows and doors that open to the north and west sides. The boundaries of the site are planted with trees that have high level canopies and do not provide much noise attenuation.
26. The use of the hall for functions has previously been approved following the submission of a noise assessment. The noise assessment confirmed that the decibel levels would not be increased by over 3dB. Conditions were placed on those permissions requiring a noise-limiter in the marquee. There have been investigations into alleged breaches of Environmental Health Regulations since the use started in 2007 but no statutory nuisance was found to have occurred.
27. Recorded music in the marquee is played through a noise-limiting device, which is set in the ceiling of the marquee above the dance floor. Recorded sound in the marquee is effectively controlled by this device. This has been assessed several times in

recent years by Council Environmental Health Officers and their findings upheld by the Ombudsman.

28. Live music in the marquee is more difficult to control as not all musical instruments can be electronically conveyed and live musicians prefer to use their own PA systems, which do not operate effectively with the noise-limiting device. This means that the noise impact of live music can only effectively be controlled by hours of operation or by being indoors with the windows and doors closed. A condition requiring the doors and windows to be kept closed may be imposed through a Premises License. However, such a condition would be difficult to enforce and is likely to be breached in warm weather.
29. **Frequency** – the present planning permission allows 24 functions per year. The majority of these are held in the summer months, thus allowing an average of one event per weekend between April and September. The original proposal did not specify the number of events for which the extension of time was proposed.
30. Following the initial consultations and neighbour concerns over the number of later events proposed, the applicants have clarified that they are proposing the extension of hours for four events per year up until 12.30am and for one further event up until 1.00am for the Barrington May Ball.
31. Correspondence was received from the organiser of the May Ball stating that they do not require the extension of time for playing music.
32. An investigation into an alleged breach of condition of hours of operation was initiated in April 2015 following a complaint from a neighbouring residential property that music was played until 3.00am. The applicant states that this was a private 21<sup>st</sup> birthday party for the residents of the upper floors of the property and was not a commercial function. As the property is in mixed use and the upper floors are in residential use the holding of a private party for family reasons is not a breach of the planning conditions imposed upon the commercial use of the ground floor and gardens around the property.
33. **Traffic and Highways**  
  
Policy TR/2 of the DCPDPD (2007) requires development to provide car parking on site in accordance with the standards set out in Appendix 1. The standards do not make specific reference to function suites but have a general requirement for leisure uses to provide one space per four seats. The site contains a large car park which is adequate for the scale of venue. Since the venue is not being enlarged the parking provisions do not need to be extended and are considered acceptable.

The Highways Authority has commented that the proposal would not have a significant adverse impact on the Public Highway in terms of the site access or traffic generation.

### **Conclusions**

34. It is considered that attenuation of live music is not likely to be satisfactory at the property and so the playing of live music should continue to stop at 23.30.
35. The volume of recorded music is more effectively controlled by the limiter device in the marquee and it is considered reasonable to permit extension of the hours for playing of recorded music for an additional thirty minutes up to 12.00am in the

marquee. However, these events should not be held close together and a condition is proposed limiting these hours to 1 event in each of four separate calendar months per year. The actual finish of an event can result in noise from vehicles leaving the site beyond this time. Extension of hours up to 01.00am could result in noise generation beyond that time. Consequently, it is recommended that the hours be limited to 12.00am and the impact monitored before any extension beyond that be permitted. The total number of functions per year would not be increased from 24 per year but would include the four functions with extended hours for playing recorded music in the marquee.

36. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that planning permission to vary condition 1 of planning permission S/0379/12/VC be granted subject to the following conditions.

### **Recommendation**

37. Approval subject to:

### **Conditions**

- a) Live 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 agreed in writing by the Local Planning Authority.

(Reason - To safeguard the amenity of the occupiers of the neighbouring properties in the area in accordance with Policies DP/3 and NE/15 of the Local Development Framework Development Control Policies adopted 2007).;

- b) 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 agreed in writing by the Local Planning Authority, with the exception of four events per year, each one to be held in a different calendar months, when recorded music shall not be played between the hours of 00.00 hours and 09.00 hours

(Reason - To safeguard the amenity of the occupiers of the neighbouring properties in the area in accordance with Policies DP/3 and NE/15 of the Local Development Framework Development Control Policies adopted 2007).;

- c) No live and recorded music shall be played in the marquee until an appropriate electronic noise-limiting device has been fitted to control levels of noise from regulated entertainment. The limiter shall be set and documented in agreement with the Local Planning Authority, with its activation level not exceeding 85dB(A).

(Reason - To safeguard the amenity of the occupiers of the neighbouring properties in the area in accordance with Policies DP/3 and NE/15 of the Local Development Framework Development Control Policies adopted 2007).Approved plans and specifications;

- d) 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 neighbouring properties in the area in accordance with Policies DP/3 and NE/15 of the Local Development Framework Development Control Policies adopted 2007).External materials;

- e) The function facility use may be carried out on a Sunday or Bank Holiday (excluding Good Friday) provided the functions do not occur on any two consecutive days and any live or amplified music used in conjunction with a function held at the premises on a Sunday or Bank Holiday must cease at 22:00 hours.
- (Reason - To safeguard the amenity of the occupiers of the neighbouring properties in the area in accordance with Policies DP/3 and NE/15 of the Local Development Framework Development Control Policies adopted 2007).Boundary treatments;
- f) No firework displays shall take place on the site.
- (Reason - To safeguard the amenity of neighbouring properties in accordance with Policies DP/3 and NE/15 of the Local Development Framework Development Control Policies adopted 2007).Contamination investigation and remediation;
- g) The vehicular access shall be 5 metres wide for a distance back into the site from the existing gate piers for 18 metres and shall thereafter be retained.
- (Reason - In the interests of highway safety in accordance with Policy DP/3 of the Local Development Framework Development Control Policies adopted 2007).Obscure glazing of front facing bathroom windows;
- h) No marquees shall be erected on the site other than in the approved specified area to the north of Barrington Hall as defined under drawing number 811/10A reference planning permission S/0764/07/F.
- Reason - To ensure the marquees are located in the best location to help reduce potential noise pollution to protect the occupiers of neighbouring properties in the area in accordance with DP/3 and NE/15 of the Local Development Framework Development Control Policies 2007).No new first floor windows in side or front elevations;

### **Informative**

In regard to condition 3, the monitoring of noise at 40m south of the marquee which should not exceed 44dB (A) as highlighted in the conclusion of the acoustic report 'Barrington Hall Noise Breakout from Marquee' by Tim Lewers BSc MSc MIOA dated February 2009 should therefore be achievable.

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

1. South Cambridgeshire Local Development Framework Core Strategy DPD 2007
2. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

3. South Cambridgeshire Local Development Framework Supplementary Planning Documents
4. Proposed Submission South Cambridgeshire Local Plan July 2013
5. National Planning Policy Framework 2012
6. National Planning Policy Guidance
7. Planning File Reference: S/0201/15/FL, S/0379/12/VC, S/0249/09/F, S/0764/07/F.

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