

MAIN CASE

Reference No: 15/00586/FUL

Proposal: Retrospective application for erection of a marquee for use in connection with functions

Site Address: Rosewood Stud Freckenham Road Chippenham
Cambridgeshire CB7 5QH

Applicant: Mr Wayne Murfet

Case Officer: Julie Barrow Senior Planning Officer

Parish: Chippenham

Ward: Fordham Villages
Ward Councillor/s: Councillor Joshua Schumann
Councillor Julia Huffer

Date Received: 10 July 2015 **Expiry Date:**

[Q127]

1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

1. Approved plans
2. Limit number of days
3. Limitation of amplified music
4. Drainage details

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks retrospective consent for the erection of a marquee for use in connection with functions such as weddings, parties etc. The free-standing marquee is principally a PVC construction based on a steel framework. The marquee is located in the corner of an existing paddock, adjacent to existing parking and to the north-east of the equine facilities that form Rosewood Stud. The marquee is accessed using the existing access road within the site, leading from the public highway.

2.2 The marquee has been in place since June 2014 and this application seeks to regularise the use of the application site for functions.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online

service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

3.0 PLANNING HISTORY

3.1

85/00131/FUL	ERECTION OF GENERAL PURPOSE FARM BUILDING FOR AGRICULTURAL AND HORSE BREEDING USE	Approved	09.04.1985
94/00165/FUL	Proposed Stud Complex	Approved	25.08.1994
00/00971/FUL	Owners dwelling on stud farm.	Approved	13.02.2001
13/00524/FUL	Change of use of land to accommodate 15no Static Caravan Lodges	Refused	24.02.2014
14/01019/FUL	Change of use of land to accommodate 5no Static Caravan Lodges	Approved	18.03.2015

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The application site is located off the Freckenham Road, outside of the village of Chippenham and forms part of the complex of buildings and dwellings known as Rosewood Stud. There is a main entrance off Freckenham Road, with the access road leading to the site of the marquee running eastwards and northwards through the site. A number of holiday lodges have recently been constructed to the south of the marquee and visitors use the same length of access road. The application site is in close proximity to the Chippenham Fen and Snailwell Poor's Fen site of Special Scientific Interest ('SSSI'). This SSSI forms part of the Fenland Special Area of Conservation ('SAC') and Chippenham Fen Ramsar.

5.0 RESPONSES FROM CONSULTEES

5.1

Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Chippenham Parish Council – Objects on the following grounds:

- Lack of detail on purpose of marquee
- No hours of operation in the application.
- No traffic survey to show impact on the village.
- Traffic survey needs to take into account all the businesses running on the site.
- Concern over the proposed foul water drainage.

Local Highways Authority – (20 July 2015) No significant adverse impact upon the Public Highway if approved.

(5 November 2015) It notes that this application is for use of the Marque area only and as such is satisfied that there is sufficient on-site parking and access for this use.

It is understood that the Equestrian activities and events business is still needing to be registered. However, this should be a separate application and its viability determined based on the site as a whole.

Environmental Health – (20 July 2015) The closest dwellings are located outside of the district, it is assumed that the relevant authority has been consulted. The nearest dwelling in this authority is over 600m away.

Recommends that conditions regarding music are added to tie the application with the Premise License.

Environment Agency – (17 July 2015) There are no EA constraints on the site and therefore no concerns.

Natural England – (22 July 2015) No comments to make regarding this application.

Councillor Julia Huffer – Seeks for the application to be determined by Planning Committee to ensure that people are able to see the application determined in an open forum.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside
ENV 1	Landscape and settlement character
ENV 8	Flood risk
ENV 7	Biodiversity and geology
COM 7	Transport impact

6.2 National Planning Policy Framework 2012

- 3 Supporting a prosperous rural economy
- 11 Conserving and enhancing the natural environment
- 10 Meeting the challenge of climate change, flooding and coastal change

7.0 PLANNING COMMENTS

The main issues to consider in the determination of this application are the principle of development, visual amenity, residential amenity and highway safety.

7.1 Principle of Development

7.1.1 The site is located outside of the established development framework of Chippenham in an area designated as countryside. The site does however form part of an established equine complex, with the wider site having received planning permission for the creation of a stud some years ago.

Policy EMP2 of the Local Plan relates to proposals to expand existing businesses in the countryside and states that such proposals will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality;
- The proposal is in scale with the location and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated;
- The extension is for the purpose of the existing business; and
- Any intensification of use will not detract from residential amenity.

The impact of the proposal on the character and appearance of the area, traffic generation and residential amenity are all addressed below. The construction of the marquee and its use in connection with functions does not relate directly to the existing business on the wider site and the applicant has submitted no justification for the use with the application. The proposal does however represent a form of diversification from the equine activities taking place on the site and its contribution towards supporting a prosperous rural economy is a relevant consideration that attracts some weight in the planning balance.

7.1.2 Concerns have been raised by the Parish Council as to the retrospective nature of this application and the fact that a number of other unauthorised activities are taking place on the site. The case officer has visited the site and, accompanied by the applicant and his agent, has toured all of the facilities on offer and currently in use. It has been established that the use of the existing marquee for functions such as wedding and parties need to be regularised. In addition, the use of the remainder of the complex for equine related activities, rather than its permitted use as a stud, also requires regularisation. The applicant has also been made aware that the various dwellings on the site are tied to the stud complex and should be occupied accordingly. Again, where there is any breach of an occupancy condition this requires further investigation and consideration and may also require regularisation.

7.1.3 The fact that development has taken place prior to planning permission being granted does not prevent an applicant from making a retrospective application. Any such application must be considered in the same way as an application made prior to development being carried out.

7.1.4 Local Planning Authorities must now have regard to a Planning Policy Statement issued on 31 August 2015 relating to Green belt protection and intentional unauthorised development. This statement introduces a planning policy to make intentional unauthorised development a material consideration in respect of all planning applications and appeals received from 31 August 2015. This application was received on 27th May 2015 and was validated on 10th July 2015. The Planning

Policy Statement does not therefore apply to this application and the retrospective nature of the application does not form a material consideration.

7.2 Visual Amenity

7.2.1 The marquee is located to the north-west of the main equine buildings and associated dwellings that together form Rosewood Stud. There is paddock land beyond the marquee, which extends up to the northern boundary of the site. The marquee itself is located approximately 75 metres from the western boundary of the site, which is marked by mature hedgerows. Any views of the marquee are likely to be tempered by the existing vegetation within the site and the proposal is not considered to have a harmful effect on the character and appearance of the site's countryside setting.

7.2.2 An area between the marquee and the equine buildings on the site is available for car parking and there would be no direct views of this area from outside the complex.

7.2.3 On balance it is considered that the proposal would not detrimentally harm the visual amenity of the area and that the proposal complies with policies ENV1 and ENV2 of the Local Plan in this regard.

7.3 Residential Amenity

7.3.1 Policy ENV2 of the Local Plan requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers. The Council's Environmental Health department has stated that it has no record of any complaints in respect of the use of the marquee. The site is located within close proximity of the District boundary and reference has been made to consultation with the neighbouring authority. Enquiries have been made with the neighbouring authority as to whether it is aware of any concerns or complaints over the site. No such concerns or complaints have been relayed to this authority and on the basis that had any complaints been made to the neighbouring authority would have been passed to this authority as the enforcing body, it is considered that no further consultation is required.

7.3.2 There are a number of residential dwellings within the equine complex, however, these are all within the control of the applicant and are occupied by the applicant or members of his family. One dwelling is occupied independently of the equine facilities, although it is owned and let by the applicant and forms part of the overall equine complex.

7.3.3 The use of the marquee is subject to a licence issued by Environmental Health and whilst it is not always appropriate to impose planning conditions that mirror conditions imposed on a premises licence, in this case the marquee has been in use for some months and has not generated any complaints so far. In order to protect amenity of any nearby residents, the number of events involving live or recorded music can be limited by condition as can the hours that amplified music can be played.

- 7.3.4 The recently approved holiday lodges are located to the south of the marquee and utilise the same access road as visitors to the marquee. The noise generated from the marquee and the access road may have an impact on occupants of the lodges. However, the applicant explained at the site visit that the lodges are often occupied by people attending functions in the marquee and given that both aspects of the site are run as commercial facilities by the applicant, it is in his interests to balance the use of the marquee with the occupation of the holiday lodges.
- 7.3.5 On balance it is considered that the residential amenity of nearby occupiers can be protected, subject to the imposition of appropriate conditions. On this basis the proposal complies with policy ENV2 of the Local Plan.
- 7.4 Highways
- 7.4.1 The Local Highway Authority has been consulted on the application and it has been noted that the Parish Council are concerned that there are several uses operating on the site, all of which generate traffic and vehicular movements.
- 7.4.2 As stated above, this application is being considered on its own merits and that further applications will be required to regularise the equine activities taking place. The Local Highway Authority is willing to consider the application on this basis and has confirmed that it has no objections to the proposal. As and when further applications come forward the applicant will be required to submit additional traffic and transportation information, taking into account previous approvals in order to form a holistic view of the complex.
- 7.4.3 On the basis that the marquee has been in use for some months, that no complaints have been received in respect of vehicular movements and that the Local Highway Authority has no objections, the proposal is considered to comply with policy COM7 of the Local Plan.
- 7.4.5 There is sufficient space immediately adjacent to the site to accommodate the number of vehicles expected at a function.
- 7.5 Other material matters
- 7.5.1 A small part of the access road is located within Flood Zone 2 and 3. The majority of the site, including the marquee itself is located within Flood Zone 1. The Environment Agency (EA) has stated that there are no EA constraints at this site and therefore it has no comments to make. Given that the majority of the site is located within Flood Zone 1 it is considered that no further action is required on the part of the applicant as the risk of flooding is extremely low.
- 7.5.2 The applicant has stated that an entirely new septic tank is to be located on the site to dispose of sewerage and that surface water will be disposed of via soakaways. The implementation of such measures, if they have not already been carried out, can be secured by condition.
- 7.5.3 Natural England has no comments to make on the application and it is considered that the construction and use of the marquee for functions will not have an adverse effect on the Chippenham Fen and Snailwell Poor's Fen site of Special Scientific

Interest. No further building operations are proposed and the surrounding vegetation is unaffected by the activities.

7.6 Planning Balance

The site is located outside of the established development framework of Chippenham but within an existing equine complex that also feature a number of holiday lodges. The site as a whole is used for a variety of purposes, a number of which require regularisation. The use of the marquee for functions has been taking place for some time, without any complaints from members of the public. This application seeks to regularise the use of the marquee and impose appropriate conditions in relation to its use. Such conditions will ensure the amenity of nearby occupiers is protected. On balance it is considered that the proposal has not had any significantly adverse effects on the character and appearance of the area and highway safety and is therefore recommended for approval.

8.0 Appendix 1 – Draft Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/00586/FUL	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 616307 julie.barrow@eastca mbs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 15/00586/FUL Draft Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
TAB151-05		10th July 2015
TAB151-06		10th July 2015
TAB151-07		10th July 2015
TAB151-08		10th July 2015

- 1 Reason: To define the scope and extent of this permission.
- 2 The number of events involving live or recorded music to be limited to a maximum of six per annum with no two events to be held on consecutive nights.
- 2 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 3 Amplified music shall be limited to the hours of 11:00 to 00:00 on any day, with the exception of one event per year when amplified music shall cease no later than 01:00 hours.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 Within 28 days of this decision notice, details of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The details shall include a schedule of construction/implementation for any aspects of the drainage systems yet to be installed.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.