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**MAIN CASE**

**Reference No:** 18/01071/VAR

**Proposal:** Vary condition 4 (Use Class) of the decision dated 19/09/2008 of previously approved 08/00746/FUL to allow for up to 12 days in a year as an events venue.

**Site Address:** Rose Barn Ely Road Sutton Ely Cambridgeshire CB6 2AB

**Applicant:** Sid Bibby Turf And Landscaping Limited

**Case Officer:** Richard Fitzjohn Senior Planning Officer

**Parish:** Witcham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 9 August 2018      **Expiry Date:** 4<sup>th</sup> October 2018  
**[T149]**

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended 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 Specified Use Class
  - 3 Number and frequency of events
  - 4 No external music or amplified PA
  - 5 Indoor amplified music and PA time restriction
  - 6 Noise Management Plan
  - 7 Indoor use only
  - 8 Hours of use
  - 9 Restriction on No. of attendees
  - 10 Parking
  - 11 Access improvements

2.0 **SUMMARY OF APPLICATION**

- 2.1 The site has a long-standing lawful use as a turfing and landscaping contractors. Planning permission for the office and showroom building on the site was granted in 2008, subject to a condition restricting its use to purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987, as amended, and for

no other use. Class B1(a) relates to an office use. This condition (condition 4) states the following:

- 2.2 *“The building hereby permission shall be used for purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other use.”*
- 2.3 The current application seeks to vary condition 4 (use class) of planning permission 08/00746/FUL to allow for up to 12 days in a year as an events venue. The application seeks use of part of an existing office and showroom building for indoor events only, limited to up to 12 events per year. This would include up to 6 evening events (defined as falling within the hours of 6pm-midnight) per year. The events would only take place Friday-Sunday and guest numbers would be limited to 55 people per event. The proposal also excludes wedding reception events taking place.
- 2.4 A planning application, for a change of use to mixed use comprising landscaping contractors and events venue, was refused on this site by the Planning Committee in September 2016 (ref: 16/00718/FUL). Planning application 16/00718/FUL was refused for the following reasons:
- 1. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority or the Local Highway Authority. The continued use of the site as an events venue will result in the uncontrolled parking of vehicles and coaches on the private access road fronting the site and the A142 to the detriment of highway safety. The proposal therefore fails to comply with Policy COM8 of the East Cambridgeshire Local Plan 2015, which requires development proposals to make provision for parking broadly in accordance with the Council’s parking standards.*
  - 2. The continued use of the site as an events venue will intensify the use of the existing accesses to the east and west of the site, on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. There is already some degree of conflict and interference to the passage of through vehicles from the existing accesses, and the intensification of that interference that this proposal would engender would lead to the deterioration in the efficiency of the road as a traffic carrier, and be detrimental to highway safety. The proposal therefore fails to comply with Policy COM7 of the East Cambridgeshire Local Plan 2015, which requires development proposals to provide safe and convenient access to the highway network and be capable of accommodating the level and type of traffic generated without detriment to the local highway network.*
  - 3. The continued use of the mixed use site as a landscaping contractors and events venue will generate a significant number of traffic movements leading to noise and disturbance being caused to the occupiers of the two residential dwellings at the adjacent Amberlea Country Kennels and Cattery, due to their close proximity to the site and access road. It is also considered that the use of the outdoor entertaining and cooking area cannot be adequately controlled by condition or mitigated against and that the noise, disturbance and odours generated are likely to have a significantly detrimental effect on the residential amenity of the adjacent occupiers. The proposal is therefore contrary to Policies ENV2 and ENV9 of the*

*East Cambridgeshire Local Plan 2015, which requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and to minimise noise pollution from developments.*

- 2.5 Planning application 16/00718/FUL was subsequently appealed to the Planning Inspectorate (ref: APP/V0510/W/16/3162856), however the appeal was dismissed. The appeal decision by the Planning Inspectorate determined that the proposal was acceptable in respect of highway safety and parking subject to access improvements, however it would have an unacceptable effect on the living conditions of neighbouring occupiers with regard to noise and disturbance. A fully copy of the appeal decision can be viewed in Appendix 2 attached to this report.
- 2.6 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.**
- 2.7 The application has been called-in to Planning Committee by Councillor Joshua Schumann as the application is of a sensitive nature and was previously discussed at planning committee with the previous application 16/00718/FUL.

### 3.0 PLANNING HISTORY

#### 3.1

07/00204/CLE	Certificate of lawfulness - existing use of land for turfing and landscape business.	Approved	18.04.2007
07/01010/FUL	Erection of new offices & associated works	Refused	19.10.2007
07/01433/FUL	Erection of new offices & staff facilities plus staff and customer parking area.	Refused	27.02.2008
08/00746/FUL	New offices and staff facilities, staff and customer parking,	Approved	18.09.2008
15/01477/FUL	Retrospective application for part change of use of existing offices/showrooms/garden area and ancillary parking to events venue	Withdrawn	03.05.2016

16/00718/FUL	Change of use to mixed use. Landscaping contractors and events venue	Refused	07.09.2016
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Appeal decision:

APP/V0510/W/16/3162856	Change of use to mixed use. Landscaping contractors and events venue.	Dismissed	19.07.2017
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#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the north of the A142 and is accessed via a private lay-by, which runs adjacent to the A142. The existing landscaping business is concentrated on land to the north of the site and also utilises the office and showroom building that has been constructed in recent years. The site is partially screened from the A142 by a dense, mature hedgerow. The Chestnuts, a modern detached dwelling is located to the east of the site and to the west of the site is Amberlea Kennels. The site is located in the countryside, outside the established settlement boundaries of Witcham and Sutton.

#### 5.0 RESPONSES FROM CONSULTEES

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

5.2 Chairman of the Planning Committee (Councillor Joshua Schumann) – Has called-in the application to Planning Committee as the application is of a sensitive nature and was previously discussed at planning committee with the previous application 16/00718/FUL.

5.3 Witcham Ward Councillor – No Comments Received.

5.4 Witcham Parish Council - Object to the proposal and the amendment on the basis that the proposal will:

- Increase traffic on the A142 and at the junction
- Increase this accident spot for those using the A142
- Inadequate parking provision for the number of visitors and the possibility of using the private road for overspill car parking
- Loss of residential amenity of those living nearby
- Impact on animals at the kennel and cattery business operating to the application site
- Using the site for events will increase noise and disturbance and potentially smells and fumes, particularly increasing issues in respect of animals nearby.

5.5 Sutton Parish Council - No objections to the proposal.

- 5.6 Local Highways Authority – In principal the LHA has no objections to the proposal, on the basis that conditions are attached to any planning permission granted to include the access specification, parking and turning to be laid out as shown on the plans submitted. The LHA have justified their position which is copied below for information:

*“A planning application (16/00718/FUL) for the change of use to a mixed landscaping contractors and events venue was refused on this site at appeal in July 2017 (APP/V0510/W/16/3162856). However the mitigations put forward to overcome the highways authority’s objections were accessed by the planning inspector and were found to be adequate for that change in use of this development site ONLY (Section 22).*

*These mitigations have also been proposed with this development (see drawing number 4). This application proposes to increase the current number of venues per annum but limit these to 14 days and also reduce the overall number of guests in attendance. As such this proposal would have a reduced impact of highways safety compared to the previously refused application and as the inspector has already deemed the mitigation measure and parking to be acceptable for the other use this reduced proposal is acceptable to the highways authority.”*

- 5.7 Enforcement Section - No Comments Received

- 5.8 Environmental Health – Note that the applicants are solely looking to vary the use for the indoor space. Section 3.3 of the Planning Statement suggests conditioning the number of guests to 85 and the hours of use to a midnight finish save for some exceptions (Christmas and New Year’s Eve). Environmental Health would agree with this, but would wish to limit the exception to one event a year which will cease no later than 01:00.

No objections have been raised by the EHO on the basis that the previous application submitted a Noise Management Plan. The plan stated the following:

Environmental Health recommend an amended version of the Noise Management Plan, which was submitted with the previous planning application on the site, is submitted for the current application. Their recommended amended details include:

- Hours of use/times of operation limited to between 11am until midnight, with the exception of 1 event per year until 01.30am. Music to be off by midnight.
- Doors nearest the speakers shall be kept shut and used as a fire exit only.
- The front door are entrance doors and to be used for access to a smoking area.
- Contact details should there be noise issues.
- Speaker locations and directions.
- Noise monitored by members of staff.
- Training of staff members and visitors.
- Noise will be reviewed annually.

On looking at other similar sites and taking distances to the nearest noise sensitive receptors into account, as well as the commercial use of the area, advise the following:

- Amplified music shall be limited to the hours of 11:00 to midnight on any day, with the exception of one event per year when amplified music shall cease no later than 01:00 hours (for example New Year's Eve/Day).
- Events with amplified music to be allowed only once in a calendar week.
- No fireworks.
- A Noise Management Plan shall be adhered to at all times.

If a Noise Management Plan can be agreed and there are conditions in place to limit the hours of use and the number of attendees, Environmental Health would have no objections to this variation.

Environmental Health also state that the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

In response to re-consultation on amendments to the proposal, reducing the number of events and attendees and restricting the type of events to exclude wedding receptions, Environmental Health has stated they have no issues to raise the amendments.

5.9 Waste Strategy (ECDC) - No Comments Received.

5.10 Neighbours – 4 neighbouring properties were notified and 1 representation has been received from the proprietor of Amberlea Country Kennels. The comments included within this representation are summarised below. A full copy of the responses are available on the Council's website. A site notice was displayed on 28<sup>th</sup> August 2018.

- Does this proposal work with the existing uses on the site;
- Clarification on highway matters is required;
- The operation of the proposal is vague;
- Concern about the occasional use;
- Lack of identified need for the proposal;
- How does this work with the existing uses on site?
- How does this proposal meet the tests of the NPPF?
- Parking provision can only be achieved when the landscape business is closed;
- Accident information provided is not accurate;
- Fails to demonstrate any changes from the previous applications;
- Fails to address residential amenity.

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
EMP 3	New employment development in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 9	Pollution

COM 7            Transport impact  
COM 8            Parking provision

## 6.2        National Planning Policy Framework 2018

6            Building a strong competitive economy  
15          Conserving and enhancing the natural environment

## 6.3        Submitted Local Plan 2018

LP1        A presumption in Favour of Sustainable Development  
LP3        The Settlement Hierarchy and the Countryside  
LP8        Delivering prosperity and Jobs  
LP17      Creating a Sustainable, Efficient and Resilient Transport Network  
LP22      Achieving Design Excellence  
LP26      Pollution and Land Contamination  
LP28      Landscape, Treescape and Built Environment Character, including Cathedral Views

## 7.0        PLANNING COMMENTS

The main issues to consider in the determination of the application are the principle of development, highway safety, residential amenity and the impact of the proposal on the adjacent business.

### 7.1        Principle of development

7.1.1      The building in which events have been taking place was constructed following the granting of planning permission in 2008 for new offices and staff facilities, staff and customer parking. The building was described in that application as providing offices, meeting rooms and staff welfare facilities for the existing landscape and turfing business that is currently operated from land immediately to the north of the current application site. A planning condition was imposed requiring the building to be used in such a way as the application had been considered on that basis and the countryside location was such that alternative uses may not be acceptable. Reference is made in the case officer's report for that application that additional uses such as retail would not be appropriate for this location.

7.1.2      The applicant has confirmed that the area shown as 'offices' on the submitted drawings is used in connection with the landscape and turfing business that continues to operate and that not all of the building is used in connection with the events business.

7.1.3      Local Plan Policy EMP2 allows for extensions to existing businesses in the countryside. 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. Full justification for the proposals is required to be submitted with a planning application.

7.1.4 The proposal is for a change of use and does not include external alterations. Therefore, the proposal does not harm the character and appearance of any existing buildings or the locality.

7.1.5 The application documents state that the majority of events would take place on a Saturday when the landscaping business is closed and it is accepted that the events venue business could operate alongside the landscaping business without impacting its viability. However, the introduction of an events venue onto the site would not be directly connected to the lawful use of the site as a turfing and landscaping business and therefore the proposal does not comply with the third point of policy EMP2. Although the proposal does not constitute an extension to an existing business in the countryside and therefore does not fully accord with policy EMP2 which attracts some weight against the proposal, this was considered by the case officer and Members when determining the previous application on the site (ref: 16/00718/FUL) and was not considered a significant enough reason to warrant refusal of planning permission on this basis.

7.1.6 Policy EMP3 relates to new employment development in the countryside. This policy specifically relates to new development for small scale business in B1, B2 or B8 uses. The use of the site as an events venue does not fall into any of these use classes. The policy also requires applicants to demonstrate that there is a lack of buildings within a settlement in which the use could take place or that there is a lack of suitable buildings to re-use or replace in the countryside. The applicant has not demonstrated that any alternative sites were considered prior to commencing the use or that there are no alternative sites that could be utilised now.

7.1.7 The impact of the proposal on the amount and nature of traffic generated and residential amenity is addressed below.

## 7.2 Highway safety and parking provision

7.2.1 Policy EMP2 requires extensions to existing businesses to be in scale with its location and not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated. Policy COM7 also requires development proposals to provide safe and convenient access to the public highway and Policy COM8 requires adequate levels of car and cycle parking to be provided.

7.2.2 Attached to Policy COM8 are details of the Council's adopted parking standards. At the appeal hearing relating to the recent planning appeal on the site (reference APP/V0510/W/16/3162856) it was confirmed by the Council that the relevant parking standard for an events venue as required by policy COM8 is one car parking space per 5 people. During the course of the application, the applicant's agent has advised that the applicant would reduce the number of attendees at events to a maximum of 55 people. In respect of parking provision, this number of attendees would result in a requirement of 11 car parking spaces. A plan has been submitted with the application demonstrating that 34 car parking spaces are already in place within the site. This



level of car parking provision far exceeds the levels required by the Council's parking standards in Policy COM8 and is therefore considered acceptable.

- 7.2.3 It should also be noted that, as part of the recent planning appeal on the site (ref: APP/V0510/W/16/3162856), the Planning Inspectorate determined that the proposal, which sought to hold events for 80-100 guests, would provide adequate parking facilities.
- 7.2.4 The submitted Transport and Access Statement states that coaches are a rare occurrence and that large HGV vehicles already enter the site to serve the turfing and landscaping business.
- 7.2.5 As part of the recent planning appeal on the site (ref: APP/V0510/W/16/3162856), the Planning Inspectorate also determined that the proposal would have acceptable highway safety impacts subject to highway improvements including increasing the width of the two access points. This was agreed with the Local Planning Authority and Local Highway Authority. The same highway improvements are proposed with the current application which would also likely result in less vehicle trips. These highway improvements could be conditioned if planning permission was to be approved, resulting in acceptable impacts in respect of highway safety and the amount and nature of traffic generated.
- 7.2.6 It is therefore considered that the proposal would not result in any significant adverse impacts in terms of the amount and nature of traffic generated, highway safety or parking, in accordance with policies EMP2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP8, LP17 and LP22 of the Submitted Local Plan 2018.
- 7.3 Residential amenity and impact on Amberlea Country Kennels and Cattery
- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 requires development proposals to ensure that they do not have a significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.3.2 The closest residential dwellings are The Chestnuts (approximately 65m to the west of the office/showroom building), the main residence at Amberlea (approximately 40m from the eastern boundary of the site) and a manager's residence within the curtilage of Amberlea (approximately 15m from the eastern boundary of the site). These would be the properties most affected by the proposal.
- 7.3.3 **Recent appeal decision on the site (ref: APP/V0510/W/16/3162856)**
- 7.3.4 As part of the recent planning appeal on the site (ref: APP/V0510/W/16/3162856), the Planning Inspectorate, the Planning Inspector stated the following when considering the impacts of the previous proposal on residential amenity:
- 7.3.5 *"The key issue is whether sufficient mitigation measures can be put in place to address the adverse effects. In terms of noise and disturbance arising from people*

*and vehicles leaving at the end of an event, the formal layout of parking areas as proposed, and the location of these areas and the Rose Barn entrance away from the adjoining residential properties, would limit adverse effects. Depending on the events and its attendees, there may be a staggered departure helping to spread out any effects.*

7.3.6 *I agree with the main parties that prohibiting external cooking would help to address the negative effects on living conditions relating to odour and smoke, and could be controlled by planning condition. A noise management plan could cover a number of matters including the opening of doors and windows on Rose Barn and the use of fireworks. It would also allow for the monitoring of effects. Restricting amplified music to within Rose Barn with no external music or amplified talking would help to reduce overall noise levels.*

7.3.7 *However, it would not be easy to control other noises in the outdoor space particularly in terms of voices which could be loud and concentrated. The appellant is prepared to limit the number of people attending events to 80, but this would still allow for a considerable number of people focused in the outdoor space near to the shared boundary. The appellant is also prepared to have no more than 20 events per calendar year, limited to Saturdays and Sundays, with only one per calendar week and no more than two per month. However, this would still amount to a significant and regular number of events focused on a number of weekends throughout the year. Restricting the timing of events to around midnight with one exception (for example New Year's Eve/Day) would avoid the most sensitive night-time hours when noise levels are expected to be low, but there would still be overlap with the initial sleeping hours of late evening. I have also had regard to the animals that board at the kennels and cattery and the likelihood that they would be disturbed by a gathering of up to 80 people in the outdoor space.*

7.3.8 *I recognise that that established events venues elsewhere might have a similar proximity and relationship to nearby residential properties. However, I am dealing with a change of use where historically such a use has not occurred and where occupiers of the properties at Amberlea have not previously experienced such a use. Given the proximity of the outdoor space to the shared boundary, there would be significant adverse effects on the living conditions of neighbouring occupiers in terms of noise and disturbance that could not be adequately address by planning conditions. ”*

7.3.9 The Planning Inspector concluded that the appeal proposal would have an unacceptable effect on the living conditions of neighbouring occupiers in terms of noise and disturbance, and the appeal was dismissed on this basis. Although the appeal was dismissed due to the proposal having an unacceptable effect on the living conditions of neighbouring occupiers with regard to noise and disturbance, the issues pertaining to this in the Planning Inspectorate's appeal decision related to noise impacts emanating from use of the outdoor space during events which would not be easy to control, such as voices of large gatherings of people which could be loud and concentrated.

7.3.10 **The current application (ref: 18/01071/VAR)**

7.3.11 However, the current application being considered has removed and reduced certain aspects from the previous appeal proposal which were considered by the Planning

Inspector to be the main factors that would cause detrimental impacts to the neighbouring properties. One of the main differences with the current application is that the proposal seeks permission for 'indoor' use of the barn only for events. During the course of this application, amendments have been made to the details of this proposal which would further limit the potential impacts to the residential amenity of neighbouring properties and Amberlea Country Kennels. This includes the following:

- A reduction in the number of days per year to be used as an events venue from 14 to 12, with no more than 6 of these events being evening events (taking place Friday-Sunday).
- Number of attendees limited to 55 people rather than 85 people.
- Restricting the type of events to exclude wedding receptions.

7.3.12 The 'indoor' use only can be controlled by planning condition to ensure that events are only held within the building of Rose Barn and not in the outdoor areas. However, the level of noise and disturbance which could potentially emanate from the outdoor areas, such as that caused by people going outside of the building to smoke during events and attendees entering and leaving the building before and after events, are more difficult to control. The Council's Environmental Health department has advised that, if a Noise Management Plan can be agreed and there are conditions in place to limit the hours of use and the number of attendees, they would have no objections to the proposal. Environmental Health also advise that planning permission does not confer immunity from action under statutory nuisance, either by local authority or a private individual. If planning permission was to be approved, a planning condition could be appended requiring a detailed management plan to be agreed with the Local Planning Authority, setting out how events would be planned and managed on the day of the event. This could include the location of a designated smoking area and details of how people using any outdoor areas of the site would be managed during events. This would help to mitigate noise and disturbance to neighbouring occupiers and business.

7.3.13 In addition, the Local Planning Authority can control the number and frequency of events, the hours of use, the number of attendees and the control of music by planning conditions.

7.3.14 The events venue would result in additional traffic movements leading to noise and disturbance being caused to the occupiers of the two residential dwellings at the adjacent Amberlea Country Kennels and Cattery, due to their close proximity to the site and access road. Although a noise management plan could mitigate adverse impacts on amenity, the applicants will have limited control over noise and disturbance generated from people going outdoors to smoke during events and people leaving the premises late at night. However, the proposal seeks permission for only up to 12 events per year (with up to 6 of these being evening events) and the use would be primarily internal within the building further reducing the impact on the animals at the adjacent business. It is considered that, due to the indoor use and frequency of events, this would not result in significant occurrences of noise and disturbance to the neighbouring properties and business to an extent which would have a significant detrimental impact to their amenity.

- 7.3.15 East Cambridgeshire District Council and the Local Planning Authority seek to support new and expanded businesses wherever possible and consideration must be given to the fact that the approval of an application to expand one business may have a detrimental effect on another. Due to the close proximity of the site to Amberlea Country Kennels and Cattery, the impact of the events venue on the wellbeing of the animals staying at the kennels has been considered. If animals are returned to their owners in a distressed or out of character state this may deter customers from using the facility again and, new customers may be deterred from using the facility at all. In turn this could have a negative impact on a well established and successful business. However, the Local Planning Authority has not been provided with any evidence to demonstrate that this has been the case so far and in the absence of any specific evidence the weight to be given to this issue in the planning balance must be limited accordingly.

On balance, it is considered that any adverse impacts created by the 'indoor' use of the barn only for events could be adequately controlled by condition and the proposal therefore would not have a significant detrimental impact on the amenity of nearby occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2018.

#### 7.4 Planning balance

- 7.4.1 The building in which the events are held was granted planning permission on the basis it was required in connection with the adjacent landscaping and turfing business and a condition to this effect was imposed. The events use is entirely separate from the landscaping business and the proposal does not constitute an extension to an existing business in the countryside and therefore fails to accord with Policy EMP2. This attracts some weight against the proposal.
- 7.4.2 With consideration given to the recent appeal decision on the site, it is considered that the proposal demonstrates adequate parking and highway safety measures can be secured by planning condition. The proposal therefore accords with policies COM7, COM8, LP17 and LP22.
- 7.4.3 It is acknowledged that the amenity of residents living close-by, in particular at the adjacent kennels and cattery, would be impacted by the proposal to some extent. However, it is considered that any adverse impacts created by the 'indoor' use of the barn only for events could be adequately controlled by condition and the proposal therefore would not have a significant detrimental impact on the amenity of nearby occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2018.
- 7.4.4 In the absence of any specific evidence that the proposal would have a detrimental effect on the operation of the adjacent well established business, the issue in relation to the impact on the business attracts limited weight.
- 7.4.5 The proposal will involve some limited employment benefits and from the numbers of events held previously there appears to be a demand for such venues.
- 7.4.6 On balance, it is considered that the proposal would not result in any significant detrimental harm in respect of highway safety, residential amenity and the impact of

the proposal on the adjacent business, subject to the conditions set out within this report. The application is therefore recommended for approval.

8.0 **APPENDICES**

8.1 Appendix 1 – Recommended conditions

8.2 Appendix 2 – Appeal decision APP/V0510/W/16/3162856

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01071/VAR	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
07/00204/CLE		
07/01010/FUL		
07/01433/FUL		
08/00746/FUL		
15/01477/FUL		
16/00718/FUL		
APP/V0510/W/16/3162856		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 - 18/01071/VAR Conditions

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

Plan Reference	Version No	Date Received
Transport and Access Statement		1st August 2018
Planning Statement		1st August 2018
10	Site Layout	1st August 2018
11	LAY-BY IMPROVEMENTS	1st August 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The building hereby permitted shall be used for purposes falling within Class B1(a) and Class D2 of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other use.
- 2 Reason: The application has been considered on this basis; the countryside location is such that alternative uses may not be acceptable.
- 3 Events shall only take place Friday-Sunday and no more than one event shall be held during any calendar week (Monday to Sunday), unless otherwise agreed in writing with the Local Planning Authority. No more than 12 events may be held in any calendar year, which shall include no more than 6 evening events (defined as falling within the hours of 6pm-midnight) and shall exclude wedding reception events. A management log shall be kept by the site owner/manager, recording the details of the dates and times of each event held and the number of attendees. This log shall be made available to the Local Planning Authority within 3 working days of any request to view it.
- 3 Reason: On the basis of the information submitted with the application by the applicant's agent and to safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 4 No music or amplified PA system shall be played outside the building currently known as Rose Barn.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 5 Amplified music and PA systems within the building known as Rose Barn shall be limited to the hours of 11:00 to 00:00 hours on any day, with the exception of one event per year when amplified music shall cease no later than 01:00 hours (for example New Years Eve/Day). Events with amplified music shall be limited to one per calendar week (Monday to Sunday).
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.

- 6 Prior to any event being held in Rose Barn a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Noise Management Plan shall be implemented for every event held on the site. A management log shall be kept by the site owner/manager, recording the checks that have been made to ensure compliance with the Noise Management Plan for each event held, together with the time and date of these checks. This log shall be made available to the Local Planning Authority within 3 working days of any request to view it.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 7 Events shall only take place within the building currently known as Rose Barn. Any use of external areas by guests shall be restricted to locations and activities to be agreed within the Noise Management Plan required by Condition 7 of this planning permission.
- 7 Reason: On the basis of the information submitted with the application by the applicant's agent and to safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 8 The D2 use hereby permitted shall take place only between the hours of 11am-midnight on the same day, with the exception of one event per year which can take place between the hours of 11am and 01.00am on the following day. There shall be no members of the public on the site for the purposes of attending an event between the hours of 12.30am-10.59am on the day following an event, with the exception of one event per year where no member of the public shall be on the site for the purposes of attending an event between the hours of 01:30am-10.59am on the day following an event.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 9 There shall be a maximum of 55 people attending any event held at Rose Barn.
- 9 Reason: On the basis of the information submitted with the application by the applicant's agent and to safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 10 Prior to any event being held, the parking shown on Drawing No. 10 (as shown within the Statement relating to Traffic, Parking and Access, prepared by SLR) shall be laid out, demarcated, levelled surfaced and drained and thereafter retained for that specific use.
- 10 Reason: To ensure adequate on-site parking and in the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018.

- 11 Prior to any event being held, the highways improvement works as shown on Drawing No. 11 (as shown within the Statement relating to Traffic, Parking and Access, prepared by SLR) shall be constructed to Cambridgeshire County Council Specifications.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018.