

# AGENDA



For a meeting of the
<b>ALCOHOL, ENTERTAINMENT &amp; LATE NIGHT REFRESHMENT LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 2 AUGUST 2013</b>
at
<b>10.00 AM</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Mark Ashberry, Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Graddon Rowlands, Councillor Bob Russell (Vice-Chairman), Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner
Committee Support Officer:	Lucy Bonshor 01476 40 61 20

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

- 1. LICENSING ACT 2003: REVIEW OF PREMISES LICENCE FOR WILLIAM CECIL HOTEL, 36-38 HIGH STREET, ST MARTINS, STAMFORD**

Report CSL033 by the Community Safety and Licensing Service Manager.

**(Enclosure)**

A full retrospective planning application for the retention of a marquee and associated bar/server and toilets at the William Cecil Hotel, St Martins, Stamford was submitted to the Council in July 2012 (application reference S12/1665). The marquee is used in association with the hotel and events including wedding receptions and parties are held in the marquee. The marquee is constructed with a modern PVC material on a metal frame. The structure is retained on site throughout the year as a permanent structure.

## Planning History:

A marquee has occupied a similar location on the site since approximately 1984. The marquee was first erected in 1984 without planning permission when the site fell within the Peterborough administrative boundary. Peterborough Council subsequently refused planning permission in February 1985 and then issued an enforcement notice in September 1985. The applicant appealed against the enforcement notice issued by Peterborough City Council on 24 September 1985 which related to the construction of a hardstanding and the erection of a marquee. The appeal was determined by a Planning Inspector in a decision letter dated 1 May 1986, which allowed the appeal, quashed the enforcement notice and granted planning permission for the retention of the concrete hardstanding. The Inspector further determined that the marquee did not require planning permission. On appeal to the High Court by Peterborough Council, the Court ordered by consent that the matter be remitted to the Secretary of State for redetermination on the grounds that the Inspector had erred in law in failing to give clear or sufficient reasons for concluding that part of the allegation contained in the enforcement notice – namely the erection of a marquee in breach of planning control – was wrongly made. By a letter dated 23 March 1989 the Secretary of State re-determined the appeal. The Secretary of State upheld the enforcement notice subject to slight amendments to the wording and granted planning permission for the retention of the concrete hardstanding on the site but refused planning permission for the retention of the marquee.

Subsequently in the early 1990's the administrative boundary between South Kesteven and Peterborough City changed and the site then fell within South Kesteven District Council's jurisdiction. It is not clear why but following the change to the administrative boundaries the marquee was retained on site contrary to the Secretary of State's decision until it was finally removed in approximately late 2010 early 2011 and replaced by the new structure in approximately June 2011.

Application S12/1665 sought retrospective planning permission for the retention of the new replacement marquee. Since the marquee was erected it has been used for various events including parties and wedding receptions. The marquee is sited directly adjacent to boarding school accommodation and residential properties. Over the last 12 months the Council has received numerous complaints from local residents about noise and disturbance from music and guest using the marquee. The Council's Environmental Protection Team has monitored the noise from events held in the marquee and has advised that the use of the marquee late into the night with music is causing unacceptable noise and disturbance to the occupiers of nearby residential properties. The Council's Environmental Protection Team therefore advised that the application could only be approved if a condition stating that no

music shall be played in the marquee. Following discussions with the applicant it was clear that such a condition would not meet with their requirements in relation to the proposed use of the marquee as such the condition would not have been appropriate and would not have met the requirements of circular 11/95 as it would significantly modify the use of the marquee from that which was being applied for. The applicant advised that the marquee was required for weddings and parties and that they therefore intend to consider resiting the marquee elsewhere within the grounds of the hotel. (This would be the subject of a separate planning application.)

Notwithstanding that there was previously an unauthorised marquee on the site for 27 years this does not override the fact that the current marquee requires planning consent and as such noise and disturbance to adjacent residential properties is a material consideration in the determination of such an application. It is also of note that since the new marquee has been erected the use of it has significantly intensified above that of the previous marquee. Based on the comments of the Environmental Protection Team and the fact that the Council had received numerous complaints from the occupiers of adjacent residential properties it was considered that acceptance of the proposed development would result in unacceptable noise and disturbance contrary to the requirements of policy EN1 of the adopted South Kesteven Core Strategy 2010 and the guidance contained within the NPPF accordingly planning permission was refused under application S12/1665.

The Council has served an Enforcement Notice for the removal of the marquee and the applicant has submitted appeals against the Enforcement Notice and the refusal of planning permission. The appeals are due to be heard at an appeal Hearing in October 2013.