

P/15/0786/VC

TITCHFIELD FESTIVAL
THEATRE

TITCHFIELD

AGENT: TITCHFIELD FESTIVAL
THEATRE

REMOVE CONDITION 2 ALLOWING OUTSIDE OF BARN TO BE USED; VARY CONDITION 8 TO ALLOW REMOVABLE/TEMPORARY STRUCTURES UNDER 9M X 9M WITHIN THE GROUNDS OF THE BARN TO BE ERECTED FOR UP TO 72 HOURS; REMOVE CONDITION 13 REQUIRING NEED FOR VISIBILITY SPLAYS; REMOVE CONDITION 16 ALLOWING UNRESTRICTED NUMBER OF WEDDINGS SUBJECT TO RECORDED AMPLIFIED MUSIC (DJS) OR NON AMPLIFIED ACOUSTIC MUSIC (BANDS) & INSTALLATION OF A NOISE LIMITER; VARY CONDITION 17 TO ALLOW GARDEN BENCHES & TABLES TO BE LEFT IN THE GROUNDS ON A PERMANENT BASIS.

THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

Report By

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Site Description

The Tithe Barn or Great Barn as it is also known, to which this application relates is a Grade I Listed Building. It is approximately 11 metres deep east to west and 45 metres wide north to south with a high vaulted roof across this large floor space. The application also includes land surrounding the barn.

The Barn is situated on rising ground to the west of Mill Lane and is approached by a long straight tarmac drive from Mill Lane. It is set in the countryside as defined in the Fareham Borough Core Strategy and is within the Titchfield Abbey Conservation Area and Meon Strategic Gap.

Description of Proposal

Planning permission was granted in July 2013 for the change of use of the barn to theatrical performance use, educational field centre, craft and farmer markets, museum and exhibition suite, corporate, charity, wedding and community events.

A number of planning conditions were imposed on the previous planning permission (P/13/0265/CU refers). This current application seeks relief or variation of a number of conditions. The original wording of the planning conditions along with the variation now sought is set out below:

CONDITION 2: The barn shall be used for theatrical performances, as an educational centre, for craft and farmers markets, museum and exhibition suite, and corporate, charity, wedding and community events only. The following uses shall only be held inside the barn: Educational uses, craft and farmers markets, museum and exhibition suite, wedding and corporate events unless otherwise agreed in writing with the Local Planning Authority.

The applicant is seeking relief of the condition to allow the use of the land outside of the barn for all the events listed in the condition.

CONDITION 8: Should any of the approved uses of the barn require the erection of a marquee or similar temporary structure, the scale, position and timing of how long the

structure will be in place shall first be agreed in writing with the Local Planning Authority. The approved marquee/ancillary structure shall be dismantled and removed from the site in accordance with the agreed timescales unless otherwise agreed with the Local Planning Authority.

The applicant is seeking a variation of this condition to allow removable/temporary structures under 9 metres by 9 metres square to be erected within the grounds of the barn for up to 72 hours without seeking the permission of the Council on each occasion.

CONDITION 13: Visibility splays of 4.5 metres by 120 metres at the point of the access with Mill Lane shall be kept free of obstruction at all times.

The applicant is seeking relief from this condition as they advise that the Theatre do not own the land which the splays run across.

CONDITION 16: No more than 14 wedding ceremonies and/or functions shall be held at the application site in any one calendar year.

The applicant is asking for the removal of the restriction on the number of weddings to be held at the site but is prepared to limit the music to recorded amplified music (DJ) or non amplified acoustic music (bands) and to install a noise limiter.

CONDITION 17: Any tables/chairs or any other paraphernalia associated with the uses hereby approved shall, when not in use for any of the approved uses, be stored within the barn.

The applicant is seeking to vary this condition to allow garden/picnic benches and tables to be left in the grounds of the barn on a permanent basis rather than removed when not in use.

The reason the above conditions were imposed related to either the living conditions of the neighbouring residential properties and/or to preserve the historic character and setting of the Grade 1 Listed Barn and Titchfield Abbey Conservation Area.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

Development Sites and Policies

DSP2 - Environmental Impact

DSP5 - Protecting and enhancing the historic environment

Relevant Planning History

The following planning history is relevant:

P/02/0059/CU - Titchfield Abbey, Mill Lane Use of land for musical functions, plays, school parties and erection of marquees and other structures associated with events -

Temporary permission for two years granted May 2002.

P/12/0362/CU - Change of use of the Grade 1 listed barn from agricultural to theatrical performance use, including bar/cafe, toilet facilities, ancillary educational field centre, craft and farmers markets and use of former office/store for cast facilities/security office - Permission 8 October 2012

P/13/0265/CU - Change of use of the great barn to theatrical performance use, including bar/cafe, toilet facilities, ancillary educational field centre, craft and farmers markets, museum and exhibition suite, corporate, charity, wedding and community events and use of former office/store for cast facilities/security office (Alternative to P/12/0362/CU) - Permission 2 July 2013

Representations

Seven objections have been received from local residents raising the following points:

- Strongly object to unrestricted number of weddings both inside and outside of the barn;
- Weddings have never been restricted to the inside of the barn and is almost impossible to enforce;
- Loud music disrupts lives of local residents;
- The Environmental Health Officer has been called out to witness noise during all weddings, bar one. Voluntary constraint on live amplified bands has reduced the levels of music noise however there are still problems with recorded music, amplified p/a systems and crowd noise. All witnessed by Environmental Health Officer;
- The barn construction is inappropriate for late evening events and was not recognised at the time of the original consent;
- Majority of people using the wedding venue are not local and do not have consideration for neighbours;
- If there are unrestricted events this could mean temporary structures effectively being permanent;
- Apart from weddings and theatrical performances none of the other community uses have taken place;
- The reason for this intensification is purely for commercial gain;
- Impact upon wildlife;
- A number of the restrictions imposed by condition have been regularly ignored;
- The western side of the barn should not be used and the doors remain closed;
- Theatrical and passive events have not created any issues, including wedding ceremonies;
- There are numerous appropriate venues in the local area that specialize in catering for

wedding receptions.

The Fareham Society has raised a number of concerns:

- The present planning permission was granted subject to conditions drawn up to allow stated events to take place whilst protecting the amenity of local residents and also the fabric of the important Grade I listed Barn. These conditions are not all being complied with as originally intended, hence very intrusive noise and disturbance is impinging on the amenity of surrounding residents.
- It was intended that weddings would take place wholly within the Barn, with a limit of 14 per year. Some named outside events were also limited to 10 per year. This application seeks to vary conditions referred to in our above comments. Noise and disturbance, particularly emanating from the weddings, is a major problem and until a satisfactory solution is found for this it seems unreasonable to permit an unlimited increase in functions, which is being sought.
- Another condition refers to marquees which are also used in association with weddings. What is meant to be their function if it was intended that weddings would take place only within the Barn?
- The main permitted use was for the Theatre productions, a facility which is much enjoyed by local people, with the weddings and other identified events as ancillary uses. To extend these is tipping the balance towards a commercial wedding venue which would have to have all aspects professionally run and managed.
- The focus of use to the west side of the Barn, when the doors are open and activity and noise spills out to the rear, contributes further to the noise and disturbance, particularly to the immediate neighbour. When the Care Village is occupied, its situation higher up the western slope above the Barn will also be vulnerable to this noise.

Sixty six comments have been received supporting the application.

The applicant has submitted the following in response to the representations received:

It is not the intention to turn the barn into a commercial wedding venue. Weddings are ancillary to the theatre use;

The theatre is a registered charity;

Weddings do generate funds but this is ploughed back into the upkeep of this and the St Margaret Lane site. Over £70,000 was spent on the barn alone in the last 18 months;

As a charity we envisage no more than an upper limit of 35 - 40 weddings to be booked, the rest of the year will be taken up as follows -

Plays including rehearsals -84 days
Educational and training days -94 days
Exhibition and open days -126 days;

We do not disagree with some of the comments relating to noise however we have been actively working with the Council to try to mitigate noise mainly from live bands including the

installation of a new noise limiter. New insulated doors will also be fitted during the winter;

On a number of occasions the weddings have been falsely accused of causing a noise nuisance;

Weddings strictly end at 11 pm and guests are off site by 11.30 pm;

It is the fishing club who open and close the gates after midnight;

Weddings and events do not have an adverse effect on wildlife;

Weddings are closely monitored and there is no rowdiness. All clearing up is finished by 1 pm the following day and rubbish taken away. Occasional waste timber is burnt under controlled conditions to the north of the barn on wasteland;

Cars are allowed to park overnight but have to be removed by 10 am the next day. Nobody stays overnight on the site;

The theatre is actively applying for funding in order to hold exhibitions and educational visits. The increase in weddings allows the charity to raise much needed funds;

The theatre is supported by other groups and charities including Rotary Clubs, Lions Clubs, Warsash Theatre Club and Portchester Players and Hub for Local Sea Scouts as well as its own youth theatre.

Consultations

Director of Planning and Development (Conservation) -

The barn is a grade I listed building and lies within the Titchfield Abbey Conservation Area. This application seeks to remove and vary a number of planning conditions imposed on the previous planning application.

The application does not show alteration to the historic building's fabric and retains the important open character of its interior.

The setting of the barn, the nearby scheduled ancient monuments and the character and appearance of the conservation area derives from the predominantly rural landscape character of the valley. The historic buildings are experienced as part of the quiet rural landscape particularly by users of the adjacent public footpaths. The established character of the valley has been identified as important in the Titchfield Abbey Conservation Area Character Appraisal.

It is important that this established character is not eroded and harmed. There is some concern that together the intensity and frequency of the uses outside of the barn and the proliferation of 'furniture' outside of the barn is cumulatively likely to result in change to the established rural character of the valley and harm to the setting of the barn, the other historic buildings and the character and appearance of the conservation area.

External activity including noise (both outside and emitted from within the barn) and pressure for additional structures/ furniture all have the potential to erode the existing rural character of the landscape and impact on the immediate setting of the barn and the character of the conservation area.

Director of Planning and Development (Highways) - Adequate visibility can be achieved within the highway boundary therefore no highway objection is raised.

Director of Community - Environmental Health (Noise and Pollution)-

Environmental Health raises an objection to the variation of Conditions numbered 2, 8, 16 and 17.

The reason for objecting to the variation of these conditions is on the grounds of increased noise disturbance. Environmental Health has received complaints about noise arising from the Tithe Barn since its current permitted use (P/13/0265/CU) commenced. Over the past two summers visits to the Tithe Barn have been made by officers of the Council responding to complaints of noise disturbance arising from the Tithe Barn during wedding functions. Officers are currently involved in dealing with a serious noise issue at the barn which could result in legal proceedings and/ or a licencing review. Environmental Health has been working with the applicant to try to mitigate against nuisance from loud music occurring and the applicant has installed sound proofing at the barn with limited effect and has agreed to stop allowing bands playing at the barn and to install a noise limiter to control the volume of recorded music. It is hoped that with these measures in effect, in addition to further sound proofing that has been promised by the applicant, the future occurrence of nuisance will be prevented. However, this also relies on the current control of activities at the barn through the planning conditions as currently worded.

Environmental Health is concerned that if Conditions numbered 2, 8, 16 and 17 are varied as is proposed then that additional control on noisy activities taking place at the barn will be removed. Allowing unrestricted use of the inside and outside of the barn for potentially noisy functions (weddings, charity and corporate events) would in our opinion likely result in such frequent noise disturbance to neighbours that it is almost inevitable that nuisance would be caused. Further the allowance of structures (e.g. marquees) and chairs and tables outside, beyond that which is already permitted, would only encourage users of the barn to spill outside resulting in more unacceptable noise disturbance.

Planning Considerations - Key Issues

The two main issues for consideration in this case relate to protecting the living conditions of the occupiers of neighbouring residential properties and preserving the historic character and setting of the Grade 1 Listed Barn and Titchfield Abbey Conservation Area.

As the application relates to the variation and relief of a number of planning conditions officers have dealt with them each in turn, as below:

Condition 2

The planning condition stated a number of uses, including weddings, should only be held inside the barn. The applicant is seeking relief of this condition in order to allow all permitted uses to be held outside as well as inside the barn.

Wedding functions have been held at the barn over the last two summers. On most occasions there has been a breach of the planning condition as the events have extended to the outside of the barn, essentially to the rear (west) and front (east). A number of tables are sited to the rear of the barn and a 'decking' area has been created to the east of the hedgerow surrounding the car park.

A number of complaints have been made to The Director of Community (Environmental Health) by local residents relating to noise and disturbance associated with noise from attendees using the area to the rear (west) of the barn. The nearest residential property, Fernhill Farmhouse is sited just 18 metres from the site boundary and 50 metres from the barn. The nearest property in Mill Lane lies 265 metres to the east and the nearest property in Southampton Road is 135 metres to the south.

Officers consider to allow the permitted uses to be held outside of the barn would result further compound noise and disturbance to occupiers of neighbouring residential properties. This is also a concern raised by the Director of Community.

The applicant advises it is difficult to contain attendees of the weddings inside the barn and that doors have to be left open to meet Fire Regulations. However it is officers' understanding of the Fire Regulations that the doors only have to be openable and controlled by a permanent member of staff being capable of opening the doors and assisting immediate evacuation. The applicant chooses to leave the doors open.

Furthermore the space inside the barn is limited due to the tiered seating associated with the theatrical use. This is a contributing factor to the use 'spilling' out of the barn and the need for temporary marquees and structures.

From the evidence witnessed by officers of the Council and the comments from local residents, intensification of activity outside of the barn would further impact upon the living conditions of the neighbouring residential properties in relation to noise and disturbance and erode the existing rural character of the landscape. Officers therefore consider the proposal would be contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies.

Condition 8

This condition relates to the siting of temporary structures associated with any of the permitted uses. The present condition requires the applicant to agree with the Council the scale, position and timing of how long any marquee or temporary structure will be in place. The applicant has complied in some, but not all occasions. The applicant is seeking a variation of this condition in order to allow the siting of any number of temporary structure up to 9 metres x 9 metres in size, to be in place on site for a period for up to 72 hours at any one time without the need to agree the details with the Council.

Currently the number of wedding ceremonies and/or functions is restricted to 14 in any one calendar year. The applicant is seeking permission for an unrestricted number of weddings. If permission were granted then effectively the temporary structure could be removed after 72 hours and then erected again for a further 72 hours. This would have the potential to lead to a situation where temporary structures would become a permanent feature of the landscape.

Furthermore, as the applicant is seeking permission to use the land outside of the barn for weddings and other uses, functions held within the temporary structures would further compound the existing noise and disturbance issues.

Officers are concerned that the potential proliferation of temporary structures outside of the barn would further impact upon the living conditions of the neighbouring residential properties in relation to noise and disturbance and harm the setting of the barn and the

character and appearance of the conservation area contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies.

Condition 13

This condition requires visibility splays of 4.5 metres x 120 metres at the entrance of the site with Mill Lane. The applicant advises that it is not possible to comply with this condition as it would involve works on third party land. The Council's Highway Officer has assessed the access and is of the opinion that adequate visibility is available at the entrance onto Mill Lane across land adopted as highway. In highway safety terms the existing access arrangement is acceptable and therefore no objection is raised in relation to the relief from this planning condition.

Condition 16

The number of weddings and/or functions to be held at the application site is limited to 14 in any one calendar year. This condition was imposed in order to control the number of events as concerns were raised by local residents in relation to the nature of the uses and the potential to cause noise and disturbance and the impact on the character of the conservation area.

The applicant advises that weddings have proved very popular and they are now receiving 4 - 5 applications a day for local people to hold weddings at the barn. The applicant states that although the weddings are well run, they have been deemed noisy to one neighbour. It is also stated that noise mitigation has been carried out and further mitigation is proposed. The applicant advises that increased wedding use would generate funds which would allow the use of the barn to be expanded to the benefit of the local community and carry out repairs to the barn.

As mentioned previously weddings have been held at the site over the last two summers. Noisy activities, including music from within the barn have caused problems for local residents resulting in complaints to the Council. This is confirmed by the comments and ongoing actions of the Director of Community. Seven letters of objection have been received from local residents living close to the site, raising concerns relating to noise and disturbance. No complaints were received associated with theatre productions, indicating that such activities are sufficiently controlled to limit their impact on nearby neighbours. This has also been confirmed by a number of local residents.

The applicant is asking for the removal of the restriction on the number of weddings to be held at the site but is prepared to limit the music to recorded amplified music (DJ) or non amplified acoustic music (bands) and to install a noise limiter.

As explained by The Director of Community above a number of mitigation measures have been put in place to mitigate the noise nuisance, however these works are limited due to the construction of the barn. Notwithstanding the further measures proposed by the applicant, officers remain concerned that the intensification of the wedding use would be harmful to the living conditions of the occupiers of the neighbouring residential properties.

Officers therefore consider the proposal would be contrary to Policy DSP2 of the Local Plan Part 2: Development Sites and Policies.

Condition 17

This condition requires any tables/chairs or other paraphernalia associated with the permitted uses, when not in use, to be stored within the barn.

Historically the immediate area around the barn has been generally open and free of structures and 'clutter'. The applicant alleges a number of picnic tables have been sited to the rear of the barn for general public use over a long period of time, however more recently further tables have been sited to the rear and a 'function' area has been created forward of the car park by placing palettes on the grass. Furthermore stacked palettes have been used to create raised planters.

Officers are concerned that the proliferation of these items, cumulatively have a detrimental impact upon the setting of the barn and conservation area. Furthermore, the siting of these items would encourage the use outside of the barn and outside of the permitted hours of use, further compounding noise and disturbance issues.

Officers are of the opinion that the planning condition should not be varied and all tables/chairs or other paraphernalia should be stored inside the barn when the barn is not in use.

Officers therefore consider the proposal would be contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies.

Conclusion

The applicant has been successfully operating theatrical events at the barn for some time, as confirmed by the representations received from immediate neighbours. However, there is clear evidence that the wedding events held at the barn since planning permission was granted have caused problems for neighbouring properties resulting in complaints to the Council and an ongoing investigation by the Director of Community.

Furthermore, additional external activity, including noise (both outside and emitted from within the barn), the potential increase in the number and duration of temporary structures erected close to the barn and permanent siting of furniture would erode the existing rural character of the landscape.

Officers conclude the proposals involving conditions 2, 8, 16 and 17 would have unacceptable implications in respect of its effect on the living conditions of neighbours living nearby and on the visual appearance and character of the Grade I Listed Barn and Titchfield Conservation Area.

Officers do not raise objection to the relief from condition 13 but the current planning legislation does not allow a 'split' decision to be issued by this Council.

Recommendation

REFUSE:

The proposals, involving conditions 2, 8, 16 and 17 would be contrary to Policy CS17 of the

Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies and is unacceptable that:

(i) the proposed additional external activity and the resultant noise that would be generated (both outside and emitted from within the barn), additional structures/ furniture and the intensification of the wedding use would materially harm the living conditions of the occupiers of neighbouring residential properties and erode the existing rural character of the landscape and impact on the immediate setting of the Grade I Listed Barn and the character of the Titchfield Abbey Conservation Area.

Notes for Information

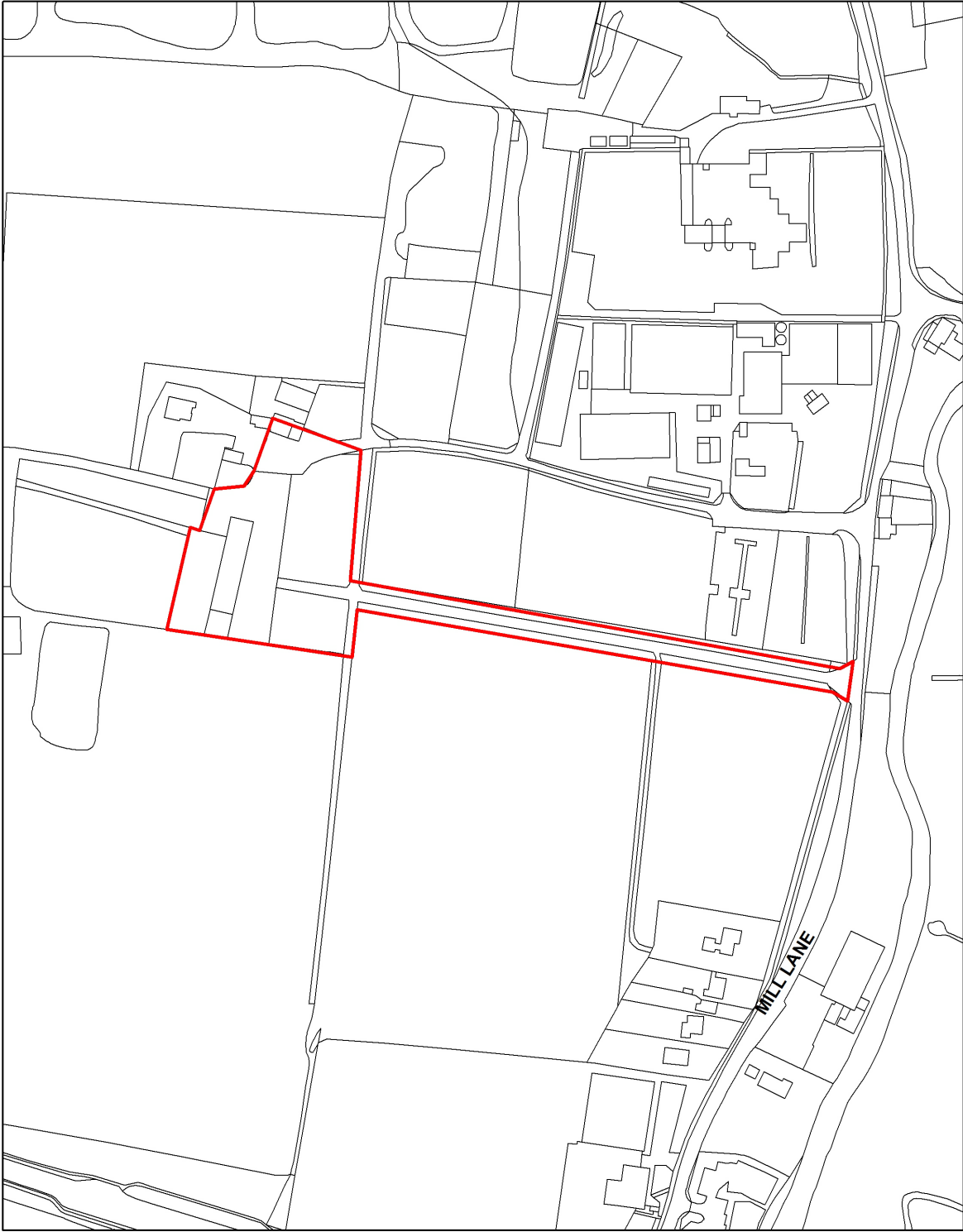
The applicant is advised that no objection is raised to the relief from condition 13 but the current planning legislation does not allow a 'split' decision to be issued by this Council.

Background Papers

See history above.

FAREHAM

BOROUGH COUNCIL



Tithe Barn, Titchfield
Scale 1: 2,500



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