

P/17/0755/VC

TITCHFIELD FESTIVAL
THEATRE

TITCHFIELD

AGENT: SOUTHERN PLANNING
PRACTICE

VARIATION OF CONDITION 2 OF P/15/0786/VC TO ALLOW USE OF OUTSIDE AREA
ON EAST SIDE OF BARN FOR WEDDING EVENTS

THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

Report By

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Introduction

Planning permission was granted in 2013 for the use of the Tithe Barn (also known as the Great Barn) and surrounding land (our reference P/13/0265/CU). The approved use allowed the barn to be used for theatrical performances, as an educational centre, for craft and farmers markets, as a museum and exhibition suite and for corporate, charity, wedding and community events. Condition 2 of the permission stipulated these authorised uses and added that the following uses shall only be held inside the barn: educational uses, craft and farmers markets, museum and exhibition suite, and wedding and corporate events. In total there were 17 planning conditions imposed on the permission.

In 2015 Titchfield Festival Theatre applied for relief of various conditions imposed by the 2013 permission (our reference P/15/0786/VC). It was proposed to:

- Remove condition 2 to allow outside of the barn to be used;
- Vary condition 8 to allow removable/temporary structures under 9m x 9m within the grounds of the barn for no longer than 72 hours;
- Remove condition 13 requiring the need for visibility splays at the entrance from Mill Lane;
- Remove condition 16 allowing unrestricted number of weddings subject to recorded amplified music or non-amplified acoustic music and installation of a noise limiter;
- Vary condition 17 allowing garden benches and tables to be left in the grounds on a permanent basis.

The Council refused planning permission for the removal/variation of these conditions. The applicant lodged an appeal and the Planning Inspectorate determined the appeal in June 2016 (PINS appeal reference APP/A1720/W/16/314264). With the exception of condition 13 (visibility splays onto Mill Lane), all of the previous conditions attached to the 2013 permission were imposed once again by the Planning Inspector (renumbered 1 - 16). It is this permission granted by the Planning Inspector which the current application relates to.

In December 2016 a further planning application seeking permission to vary condition 15 of the permission granted on appeal was refused permission by the Planning Committee (P/16/1192/VC). The application proposed to increase the number of wedding ceremonies and/or functions which could take place each calendar year from 14 to 28. An appeal against the Council's refusal to grant permission has since been lodged and is currently being processed by the Planning Inspectorate.

Site Description

The application site includes the barn which is a Grade I Listed Building and the surrounding land. The site is within the countryside, the Titchfield Abbey Conservation Area

and Meon Strategic Gap.

The barn is situated on rising ground to the west of Mill Lane and is approached by a long straight hard surfaced driveway from Mill Lane. Where it enters the site there are two small fields on either side of the drive to its north and south. The drive continues and opens out into a hardsurfaced car park on the immediate east side of the barn itself. The car park continues around the northern side of the barn where it leads to a gate providing a right of way into the land to the west where several fishing lakes are located.

There is one dwelling, Fern Hill Farmhouse, in close proximity to the site adjacent to its north-western boundary.

There is a public right of way along the eastern boundary of the site behind a mature hedgerow and another which passes through the car park to the northern side of the barn.

Description of Proposal

Planning permission is sought to vary condition 2 of the planning permission granted on appeal in 2016 (PINS ref. APP/A1720/W/16/314264) which reads as follows:

"The barn shall be used for theatrical performances, as an educational centre, for craft and farmer's 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 proposed variation is intended to allow the use of areas outside on the eastern side of the barn during wedding events. The external areas proposed to be used are hatched green on the submitted site plan and comprise the car park and the small field to the south of the driveway adjacent to the car park.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

Development Sites and Policies

DSP2 - Environmental Impact

DSP5 - Protecting and enhancing the historic environment

Relevant Planning History

The following planning history is relevant:

P/16/1192/VC

Vary condition 15 of P/15/0786/VC to increase the number of wedding ceremonies and/or wedding functions from 14 to 28 to be held on the application site in any one calendar year - development affecting the setting of the Grade 1 Listed Barn.

REFUSE

14/12/2016

<u>P/16/0738/FP</u>	RETROSPECTIVE APPLICATION FOR UNDERGROUND SEWAGE TANK AND PROPOSED HEDGE SCREENING AND PROVISION OF SOAKAWAY AND STANDPIPE.	APPROVE	25/01/2017
<u>P/16/0406/LB</u>	Retrospective consent for glazing to window slits & cladding of toilets; new external doors to barn.	APPROVE	11/01/2017
<u>P/15/0786/VC</u>	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.	REFUSE APPEAL: PART ALLOWED	15/10/2015 27/06/2016
<u>P/13/0265/CU</u>	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 & EXHIBITION SUITE, CORPORATE, CHARITY, WEDDING AND COMMUNITY EVENTS & USE OF FORMER OFFICE/STORE FOR CAST FACILITIES/SECURITY OFFICE (ALTERNATIVE TO P/12/0362/CU)	APPROVE	02/07/2013

Representations

Twenty-seven sets of comments have been received in support of the application with the following points raised:

- The barn is a valued asset which the Council should be helping to support
- Restricting wedding events from being held outside is unfair
- Hosting weddings at the venue generates money to maintain the listed building
- There are no houses nearby to be affected by wedding events

One letter has been received from the neighbour living at Fern Hill Farmhouse.:

- The main issue raised is that of noise nuisance experienced by them from events held at the application site, however they state that activities within the field in the south-east corner of the site have very little impact on them unless they involve music.
- The neighbour expresses the view that the existing conditions in place are not being complied with and are worded such that they are difficult for the Council to enforce.
- The neighbour offers support to the proposal on the proviso that all of the existing conditions are reviewed. Unless changes are made to the conditions they wish for the application to be rejected.

Consultations

INTERNAL

Conservation -

The monastic Barn is a grade 1 listed building and Titchfield Abbey is a scheduled monument. The nearby Fernhill Farmhouse is also a grade II listed building. All the buildings lie within the Titchfield Conservation Area, they and the conservation area itself are designated heritage assets the significance of which must be given weight in the making of planning decisions in accordance with advice contained in the NPPF.

The monastic barn stands in the area of the outer precinct of the former Premonstratensian abbey at Titchfield, and is one of the few surviving great medieval abbey barns nationally in terms of survival of fabric and monumental proportions. The barn was built to centralise grain storage in the early C15 and along with the nearby Fernhill Farmhouse and other historic structures in the vicinity form part of the former monastic estate. An important aspect of the conservation area is the physical and functional relationship of the abbey with its estate buildings and the landscape.

In determining the recent appeal APP/A1720/W/16/3143264 against refusal of planning permission to remove/ vary conditions relating to use of the barn the planning inspector stressed the importance of taking into account its special interest and 'distinct open rural appearance'. Also the contribution it makes to the historic monastic landscape. The inspector considered that the permanent presence of tables and chairs and other such paraphernalia around the building would unacceptably erode the rural monastic landscape of the building's setting, giving a cluttered and fragmented appearance to its surroundings.

In my view retaining an absence of permanent benches, tables and other clutter on the land around the barn is of particular importance to preserving its setting, the wider setting of the abbey and the character and appearance of this part of the conservation area. Provided that this does not result from the application proposals I would not have any objection to use of the areas proposed in connection with the limited number of weddings permitted to be held in the barn.

Environmental Health - No objection. It seems that this is a formalisation of what is already happening and from previous visits to the barn when this is occurring no issues are foreseen.

Planning Considerations - Key Issues

i) Planning history and relevant appeal decision dated 27th June 2016

The appeal decision dated 27th June 2016 is an important material planning consideration in that it thoroughly considers a number of the planning conditions which remain in place in the consent subsequently granted and their importance with regards preserving the historic and countryside character of the site and protecting the living conditions of neighbours. However, it should be born in mind that the appeal proposal differed from that which is now before the Council for determination.

ii) Heritage matters

In paragraph 13 of the 2016 appeal the Inspector considered the effect of the proposed changes on "the special interest of the barn and its rural setting and the contribution it

makes to the historic monastic landscape". She remarked that being able to control what activities could take place outside of the barn was important to maintaining the open rural character of its setting. Removing condition 2 to allow unfettered use of the outside space for events would in her opinion erode the barn's setting and its contribution to the conservation area.

In the current proposal, rather than limitless use of the outside area of the barn, it is proposed to use a relatively small area in the site's south-eastern corner for wedding event - essentially the car park to the east of the barn and a small field. There is a small pedestrian sized opening in the hedgerow between the car park and the field to allow access from the barn, across the car park into the field. The field is surrounded on all sides by hedgerow with newly planted hedging along the edge of the driveway.

The hedgerow around the field would to a large extent screen the activities of wedding events taking place however there would be some limited views of this part of the site still possible from the adjacent public right of way and along the driveway. It is anticipated that the field could be used for wedding guests to eat and drink with tables and chairs and temporary structures such as gazebos erected (subject to approval first being given by the local planning authority). The use of the car park as an external space for wedding events is likely to be more limited to the parking of vehicles (as is already currently the case), stationing of catering vans (which are often already present if not used to serve food to wedding guests outdoors) and other associated temporary structures.

Unlike the previous proposal which was subject of the 2016 appeal, there are no proposed changes to the other conditions which include control over marquees and temporary structures (condition 8) and the storage of tables, chairs and other paraphernalia inside of the barn when not in use (condition 16). There is therefore the ability to control the visual impact of wedding events and the effect on the heritage assets accordingly. Importantly the limit on the number of wedding events which can take place each year (condition 15) would remain in place meaning the effect of use of this outdoor area would be further mitigated by virtue of the fact that weddings would only be permitted to take place on a maximum of 14 occasions annually.

Officers consider the proposed use of the area to the east of the barn as proposed would not have the same unacceptable impact on heritage assets as described by the Planning Inspector in relation to the 2016 appeal. The area in which it is proposed to hold wedding events outside is limited in size and a portion of it screened by boundary hedgerow. The car park is already used during weddings, for example for the parking of guests vehicles, catering vans and other service providers and its use for hosting the wedding events themselves would, in visual impact terms, be little different. Finally, other planning conditions would remain in place to control the presence of temporary structures and paraphernalia and the number of times each year such wedding events would be allowed to take place.

As required by Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Officers have paid special attention to the desirability of preserving or enhancing the character of the Titchfield Abbey Conservation Area and the settings of the listed barn and its features of special architectural and historic interest. The proposed use of the outside areas to the east of the barn is not considered to be harmful in this regard and both the character of the conservation area and the setting of the barn and its features of interest would be preserved.

iii) Living conditions

Fern Hill Farmhouse is the only residential property in close proximity to the application site. The farmhouse lies adjacent to the north-western site boundary on the opposite side of the barn to the outdoor areas proposed by the applicant for use during wedding events. The field in the south-eastern corner of the application site is approximately 60 metres at its closest point from the nearest part of the garden of Fern Hill Farm and around 90 metres from the farm house itself.

The neighbour living at Fern Hill Farmhouse has commented on the application. They express some reservations over the proposal principally due to concerns over noise from wedding events, however they acknowledge that the holding of wedding activities in the field in the south-eastern corner of the site has very little impact on them unless they involve music. Their suggestion is that the existing conditions be reworked accordingly to ensure their effectiveness in dealing with noise nuisance in the future.

The Council's Environmental Health team have raised no objection to the proposal. Whilst Officers from that team have attended the site in response to noise complaints they do not foresee any issues arising simply from the use of the outside area to the east for wedding events as proposed.

In determining the 2016 appeal the Planning Inspector noted that "Allowing unrestricted events to occur outside, providing permanent tables and chairs, and other facilities, including catering, would encourage large numbers of people to be accommodated, thereby increasing noise and disturbance". As explained above, this current application differs in that the proposal is for a specific part of the site to be used for a specific type of event (weddings) and with all other conditions controlling the use of the site remaining in place. Whilst therefore noise from wedding events is clearly a concern, the nature of this specific proposal means the use of the area outdoors to the east of the barn is unlikely to lead to unacceptable levels of noise harmful to the living conditions of neighbours. It is considered appropriate to restrict the use of amplified music outdoors by a suitably worded planning condition.

iv) Planning conditions

As highlighted above, the comments received from the neighbour living at Fern Hill Farm are supportive of the proposal but only on the proviso that all of the conditions the use is subject to are reviewed and reworded, not just condition 2.

The government's Planning Practice Guidance (PPG) states that, to assist with clarity, decision notices for the grant of planning permission under section 73 (such as this application) should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. New conditions can be imposed provided the conditions do not materially alter the development that was subject to the earlier permission.

Taking into account the PPG advice Officers do not consider it would be appropriate to alter the wording of conditions other than to revise condition 2 accordingly and remove condition 11 (waste tank) as numbered on the 2016 appeal decision since the waste tank it refers to no longer exists on the site. All other conditions imposed on the 2016 appeal decision would once again be included. Reimposing conditions in this way is consistent with the advice in the PPG and the approach taken by the Planning Inspector in dealing with the

2016 appeal.

A new condition should be added restricting the use of amplified music outdoors during wedding events.

Planning conditions as recommended by Officers are included in full below. Officers are satisfied that the suggested conditions meet the 6 tests set out in paragraph 206 of the National Planning Policy Framework and should be imposed.

v) Summary

Subject to the suggested conditions below Officers find no material harm would arise from the proposal in terms of the impact on heritage assets, the site's countryside character and setting or the living conditions of neighbours.

Officers consider the proposal accords with Policies CS14 & CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2 & DSP5 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies.

Recommendation

PERMISSION:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

a) Location plan

b) Site plan

c) Phase 1 and 2 Bat Surveys and Breeding Bird Survey (Draft Document, Ecosa, September 2012) - approved under reference P/13/0265/CU

REASON: To avoid any doubt over what is permitted.

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 and corporate events unless otherwise agreed in writing with the local planning authority. Wedding events shall only be held inside the barn and within the area outside of the barn shown hatched green on the approved site plan unless otherwise agreed in writing with the local planning authority.

REASON: To secure the future use of the barn whilst protecting the living conditions of the occupiers of nearby residential properties; in the interests of the visual amenities and character of the area and the Titchfield Abbey Conservation Area.

3. Public performances within the grounds of outside of the barn and forming part of the application site shall be restricted to not more than 5 days in any one calendar year

REASON: To protect the living conditions of the occupiers of nearby residential properties; in the interests of the visual amenities and character of the area and the Titchfield Abbey Conservation Area.

4. Charitable events within the grounds outside of the barn and forming part of the application site shall be restricted to not more than 5 days in any one calendar year and shall not take place outside the hours of 1000 - 1900.

REASON: To protect the living conditions of the occupiers of nearby residential properties; in the interests of the visual amenities and character of the area and the Titchfield Abbey

Conservation Area.

5. No public performances, theatre performances or other functions shall take place inside or outside of the barn outside the hours of 1000 - 2300.

REASON: To protect the living conditions of the occupiers of nearby residential properties.

6. Any bar or catering facilities within the barn building shall only be used during performances or functions and shall not be used independently outside of those times.

REASON: To protect the living conditions of the occupiers of nearby residential properties.

7. No external alterations shall be undertaken to the office / store / security building until details have first been submitted to and approved in writing by the local planning authority. The alterations shall be subsequently implemented in full in accordance with the approved plans and details.

REASON: In the interests of the visual amenities and character of the area and the Titchfield Abbey Conservation Area.

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.

REASON: To protect the living conditions of the occupiers of nearby residential properties; in the interests of the visual amenities and character of the area and the Titchfield Abbey Conservation Area.

9. No fireworks or pyrotechnics shall be used at the site unless first approved in writing by the local planning authority.

REASON: To protect the living conditions of the occupiers of nearby residential properties.

10. The cast facilities / security office building shall be used only ancillary to the approved uses of the barn, as dressing rooms or other similar uses and as a base for overnight security accommodation and shall not be let, sold or used separately as an independent unit of accommodation.

REASON: To protect the living conditions of the occupiers of nearby residential properties; in the interests of the visual amenities and character of the area and the Titchfield Abbey Conservation Area; the building is located within a countryside area where new residential accommodation would not normally be permitted.

11. A transport management plan shall be submitted to and approved by the local planning authority in writing within one month of the date of this decision notice. The transport management plan shall include traffic management measures to be put in place during performances / functions. The approved traffic management plan shall be fully implemented within two weeks of the date of its approval by the local planning authority.

REASON: To protect the living conditions of the occupiers of nearby residential properties; in the interests of highway safety.

12. At no time shall any vehicles associated with the uses hereby permitted use or park on the lane (footpath 41) adjacent to the Abbey Garden Centre and Abbey Cottage.

REASON: To protect the living conditions of the occupiers of nearby residential properties.

13. Works and ongoing operational use of the site shall be carried out in accordance with

the measures set out in sections 4.2.3, 4.3.3 and 4.4.3 of the Phase 1 and 2 Bat Surveys and Breeding Bird Survey (Draft Document, Ecosa, September 2012) unless otherwise approved in writing by the local planning authority.

REASON: In order to secure adequate ecological mitigation including for bats and nesting birds.

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

REASON: To protect the living conditions of the occupiers of nearby residential properties; in the interests of the visual amenities and character of the area and the Titchfield Abbey Conservation Area.

15. 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.

REASON: In the interests of the visual amenities and character of the area and the Titchfield Abbey Conservation Area.

16. At no time whilst wedding ceremonies or wedding functions are taking place shall any amplified music / sound equipment be used outside of the barn.

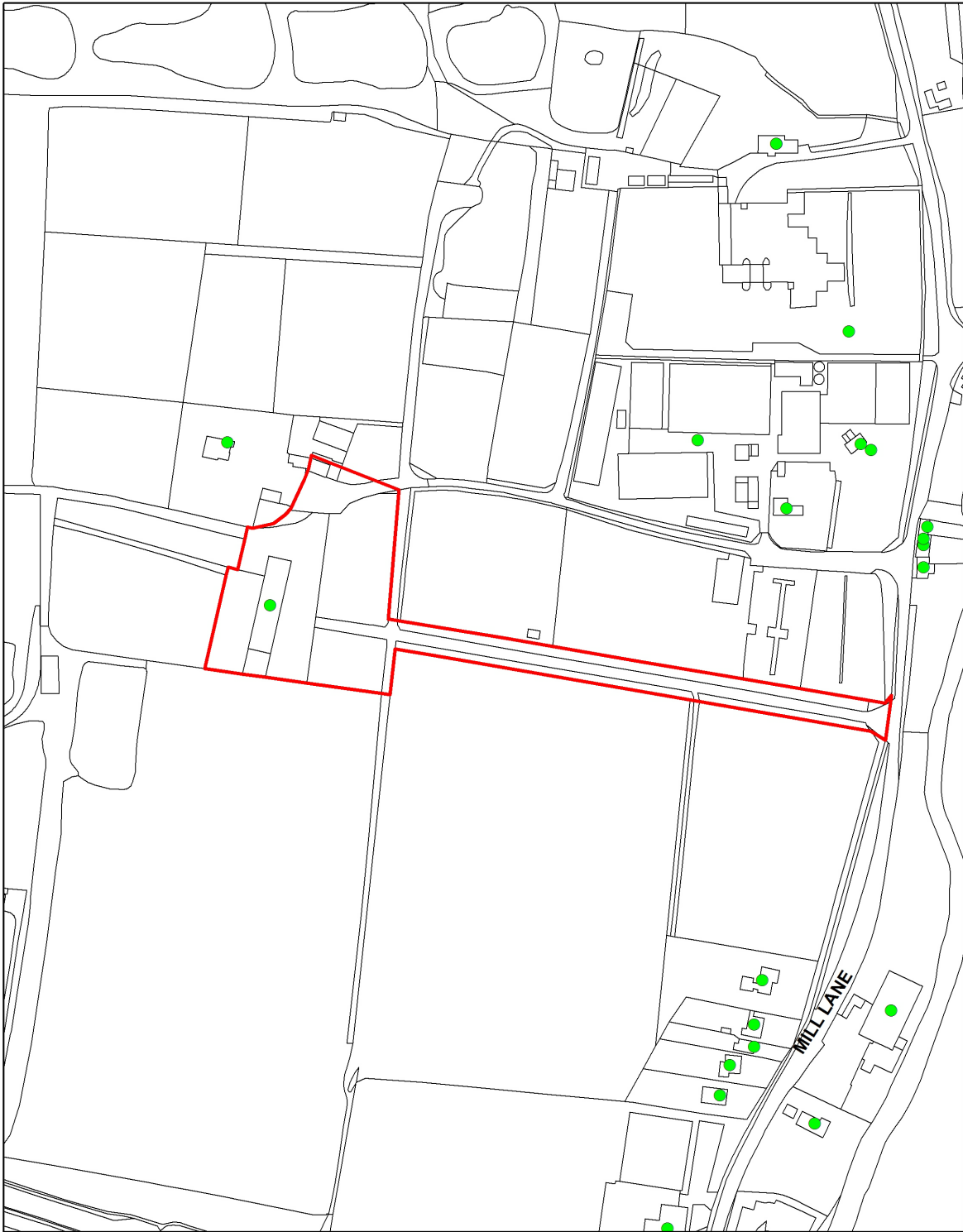
REASON: To protect the living conditions of the occupiers of nearby residential properties.

Background Papers

P/17/0755/VC

FAREHAM

BOROUGH COUNCIL



The Tithe Barn
Scale 1:2500



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