

<b>Application No:</b> 11/00483/F	<b>Ward: Fringford</b>	<b>Date Valid: 22/03/11</b>
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**Applicant:** Mr Charlie Grimston, The Old Rectory, Finmere

**Site Address:** The Old Rectory, Mere Road, Finmere, Buckingham

**Proposal:** Temporary change of use for a one day public charity fund raising event (ticketed) including marquees, toilets, bandstand and associated facilities. Application to include set up and take down – total three days.

## 1. Site Description and Proposal

### 1.1 Site

This 9.2 hectare site abuts the village of Finmere on its east side and contains the applicant's dwelling house and the grounds in the northern part and includes agricultural land towards the south, the boundary of which is formed by the rear gardens to properties along Mere Road/Town Close. The house is a former 18<sup>th</sup> century vicarage sited within a landscaped garden. There is a haha to the south of the property which clearly defines the boundary to the rest of the agricultural land which is currently laid to pasture and grazed by horses. There is a linear copse which severs the middle of the site where the land slopes to the south. The site is currently accessed from the west along a drive to the property at the top end of Valley Road. There is also another less formal gated access directly off Valley Road straight into the field.

1.2 There are listed buildings in proximity to the site to the north (St Michael's Church and the grounds) and Glebe House abuts the site in the northern corner. A public footpath runs near to the northern boundary but none are within the site. The site is not in a Conservation Area. There are no other notable planning constraints.

### 1.3 Proposal

This application seeks temporary consent to erect a bandstand, marquees, toilets, lay out parking areas and other associated facilities in order to hold a one day public fund raising event in aid of the Colonel's Fund Scots Guards (a registered charity). The event is proposed to be over one day but require 'set up' and 'break down' days either side. The event is due to take place on Saturday 25 June 2011 with a maximum ticket attendance of 1000.

1.4 Site plan drawing G3841 SU01 shows how the site will be laid out and also indicates the curtilage of the dwelling house. Within that residential curtilage is proposed to be:

- the organisers private marquee (15m x 12m) near the northern corner
- the band stand marquee (12m x 6m) just to the south of the house
- toilet block (6.4m x 2.5m)

Within the agricultural land:

- viewing area between the copse and the house
- private parking area close to gate 1 (the principal access point)
- public parking area to the east near to gate 2
- toilet block (6.4m x 2.5m)

### 1.5 **Relevant Planning History**

07/02631/F – This application was withdrawn before a decision was made but has been referred to in other correspondence. It was proposed to construct a wedding and events venue to include dance hall, marquee and ancillary accommodation including car parking within the grounds of The Old Rectory.

## **2. Application Publicity**

2.1 The application has been advertised by site notices placed at the top main entrance near the triangular green area, next to the middle entrance (Gate 1) on Valley Road and at the junction with Mere Lane close to the public house. There has also been a press notice. The final date for comment was 12 May 2011. At the time of compiling this report the following comments had been received:

One letter of objection from a local resident on grounds of:

- harmful impact caused by a large volume of traffic on an unsuitable rural road network
- public nuisance associated with traffic congestion
- loss of environmental amenity
- loss of residential amenity
- likely establishment of precedent

## **3. Consultations**

3.1 Whilst all the responses to the consultation exercise are detailed on the core file, available electronically via our website, a summary of the submissions received is provided below:

3.2 Finmere Parish Council: **Object**, on grounds of highway safety

3.3 Oxfordshire County Council (Highways): **Object** and recommend refusal.

3.4 CDC Anti-Social Behaviour Manager: **No objection** subject to this being a one day event and the operation hours should be restricted.

3.5 Police Architectural Liaison Officer: Comments awaited

## **4. Policy Considerations**

National Policy Guidance

- PPS1 - Delivering Sustainable Development
- PPS5 – Planning for the Historic Environment
- PPS7 – Sustainable Development in Rural Areas
- PPG13 – Transport

South East Plan 2009 Policies

- Cross Cutting – CC1 & CC6 – Sustainable Development & Sustainable Communities & Character of the Environment
- Transport - T1 & T4 – management, investment and parking
- Countryside & Landscape Management - C4 & C6 - Landscape and countryside management and countryside access & rights of way management
- Management of the Built Environment - BE1 & BE6 - management

for an urban renaissance and of the historic environment

- Natural Resource Management – NRM10 - Noise

Adopted Cherwell  
Local Plan 1996  
saved policies

- C7 – Landscape conservation
- C8 – Sporadic development in the open countryside
- C13 – Areas of High Landscape Value
- C27 – Historic settlement pattern
- C28 – Design, layout etc standards
- C31 – Incompatible land uses
- C33 – Undeveloped gaps of historic value
- ENV1 – Pollution Control

## 5. Appraisal

### 5.1 Principle of the development

Class B of Part 4 of the Town and Country Planning (General Permitted Development) Order 2008 and its subsequent amendments gives permitted development rights for the use of any land for a period of 28 days in one calendar year but there are conditions attached to these rights. The most relevant one to this case states that the land in question shall not comprise a building or be within the curtilage of a building.

It follows that the land which falls within the curtilage of the Old Rectory does not benefit from permitted development rights so permission is required for the erection of the marquee, one of the toilet blocks and the bandstand. The rest of the land is an agricultural field and enjoys the permitted development rights laid out under the Order. To this end, the parking areas, a toilet block and viewing area south of the copse are outside the remit of planning control but because the relationship between the two is so interlinked, the applicant has elected to include the 'field' element within the application.

It is noteworthy that if all the development within this application were to be situated in the field then planning consent would not be required at all and the consequences of that would be that no controls could be placed on the day's events.

The proposed layout has been chosen because of the natural features of the site. The haha is a natural raised platform for the bandstand and the central copse acts as an effective screen from views from the village and a natural noise barrier.

### 5.2 Effect on the Heritage Assets

PPS5 advises on how applications, that would affect heritage assets should be considered and in this case, the settings of the listed buildings is of relevance. It should be noted that the overarching aim is that the 'historic environment and its heritage assets should be conserved'. A key objective is 'to contribute to our knowledge and understanding of our past'. The guidance makes it clear that if a proposal would be harmful to a listed building setting then it should be weighed against any wider public interest and that the proposal should be fully justified. It is equally clear that there is no intention that areas should remain 'frozen in time' and only where there is harm that cannot be outweighed should consent be refused.

With regards the marquee, this is to be situated close to the northern corner just

south of the listed properties Church and Glebe House. The landscaping on that boundary corner is high level and mature so views into and out of the site at this point are obscured. I do not consider that their settings would be harmed particularly as this is a temporary arrangement. Other structures are too far away to have any impact.

#### 5.3 Impact on the character and appearance of the rural landscape

The site is within the countryside and its present character and appearance is greatly valued. PPS7 advises that the countryside be protected for its own sake and current policies in the local plan (Policies C7 and C8) seek to retain tight control over all development proposals in the countryside. This site would be very visible from the public domain of the highways and public footpath network.

That part of the site under the remit of this policy is within the field so as a temporary arrangement (under permitted development rights) it is concluded that there would be no harm to surrounding countryside as a result of this development, the majority of which is proposed to be used for parking.

#### 5.4 Residential Amenity

Given the distance from other properties and the existing boundary treatments there would be no harm caused to neighbouring properties in terms of overdomination, overshadowing, loss of light or loss of privacy. The land closest to the majority of neighbouring properties is intended for parking and there is only one toilet block which is proposed to back onto Debdale. Whilst the view is held that this position is acceptable it could easily be re-sited.

It is considered that the residential amenity issue in this case relates more to the matter of whether or not the whole use is compatible close to residential areas in terms of general amenity i.e. noise created directly from the event and the impact of the comings and goings from the site.

In consultation with the Council's Anti-Social Behaviour Manager, on the basis that the musical entertainment provided is of limited duration and is planned to finish at a reasonable hour this is no objection to the provision of the temporary infrastructure to facilitate the activity. This judgement takes account of the fact that the event will be a 'one off'.

It is noted from the event management plan that it is proposed to open the site to commence the build in advance of the time period specified in this application. It is also common place for structures such as marquees to be erected on a 'just in time' basis resulting in building work being carried out at times which would be considered outside normal working hours. To prevent annoyance being caused by this activity it would be reasonable to impose a planning condition restricting the hours when construction activities can be audible beyond the site boundary to 08:00 - 20:00 hrs on any day.

It is noteworthy that the Licensing Sub-Committee on 14 April 2011 granted a premises licence for this event. That Committee considers, inter alia, the potential for public nuisance in the form of noise.

#### 5.5 Highway Safety

There is no doubt that the local highway network is of a rural nature, typically narrow with poor forward visibility at bends and without separate provision for

pedestrians. The proposal suggests there would be approximately 1000 visitors to the event that would arrive by car, except for some local residents who would be likely to walk. The County Council, as Highway Authority considers that such levels of traffic on this rural part of the highway network would be detrimental to the safety and convenience of other highway users. Safety issues would be further exacerbated by pedestrians, en-route to/from the various car parks, sharing the highway with these increased vehicle flows.

The County Council has further noted the lack of information and appropriate mitigation measures contained in the Traffic Plan. Only the outer car park is shown on the plans and the contingency parking is proposed on the verges of Sandpit Hill. The County Council cannot concur with the applicant's view that there would not be any need for traffic management measures on the local highway network.

Given the comments received from the County Council, your officers have concerns over this application because it will lead to increased traffic on an unsuitable local highway network and will little accessibility to other modes of transport that would make it a more sustainable location. The proposal fails the objectives of PPG13 as accessibility is exclusive to car users, other than for local residents. The Traffic Plan rules out links to rail and coach/bus services. There is no justification given for the proposed event and there is no evidence of a sequential approach to finding an appropriate alternative location.

#### 5.7 Conclusion

Development within the field benefits from permitted development rights for a temporary period of up to 28 days in any one calendar year. The development proposed within the curtilage of the house does not. This planning application affects the whole site and should be considered alongside all the identified issues and it is clear from the guidance offered by the County Council, that it fails on grounds of highway safety and sustainability. To this end, it is recommended that planning consent be refused.

It should be noted that if the event were to take place wholly within the field then it could go ahead without the need for planning permission and, it follows, without the ability for this Authority to impose any conditions which would ordinarily be sought i.e. relating to activity times and precise sitings of the structures.

## **6. Recommendation**

**Refusal**, on the following grounds:

The proposal would increase the use of a rural part of the local highway network to the detriment of the safety and convenience of highway users, and it would result in a large number of pedestrians and motor vehicles sharing a rural part of the local highway network where there is potential for conflict to the detriment of highway safety. Further, the site and event represents an unsustainable location as its accessibility is highly dependent upon use of the private motor car which is unsustainable. The proposal is, therefore, contrary to central government guidance contained in PPG13 and Policy T8 of the South East Plan 2009.

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