
APPLICATION NO.	P09/W0596/RET
APPLICATION TYPE	Full Planning Permission
REGISTERED	6 July 2009
PARISH	Stadhampton
APPLICANT	Mr J Hunt
SITE	The Crazy Bear Hotel, Bear Lane, Stadhampton.
PROPOSAL	Retention of marquee for a temporary period of two years
AMENDMENTS	None
GRID REFERENCE	460275/198318
AUTHOR	Rob Cramp

1.0 INTRODUCTION

- 1.1 The application has been submitted following the refusal of an earlier retrospective planning application (P07/W1187/RET) in connection with the same marquee and the issue of an enforcement notice requiring its removal (WE07/180). The marquee remains on the site in breach of the terms of the above enforcement notice.
- 1.2 The application aims to regularise the breach of planning control by seeking retrospective planning permission for the retention of the marquee for a temporary period of 2 years.
- 1.3 This matter is referred to the Planning Committee as the recommendation of the case officer differs from that of the Parish Council.

2.0 THE PROPOSED DEVELOPMENT

- 2.1 The Crazy Bear Hotel is situated at the end of Bear Lane, which runs off the eastern side of the A329 Newington Road in the village of Stadhampton. The application site and adjoining hotel lands are show on the OS extract **attached** at Appendix 1.
- 2.2 The hotel complex as it exists today is comprised of a number of buildings near and adjoining the original public house, formerly known as ‘The Bear and Ragged Staff’. This is a grade II listed building dating from the 17th Century and remodelled in the 19th Century. It is a two storey building of coursed limestone rubble construction with squared quoins, some brick dressings and a plain-tile roof with brick gable stack.
- 2.3 Two former residential properties, which adjoin the original public house to the north have recently been amalgamated into the hotel complex, namely Brookside and Stonewell Cottage. Brookside is used as a function/conference room with a hotel suite above. Stonewell Cottage contains a number of hotel suites.
- 2.4 To the rear of the hotel building and also on the hotel site is a small former residential dwelling comprising one storey with attic known as Jollys Cottage. This too is a grade II listed building dating from the early 18th Century. The building is of colourwashed limestone rubble construction with wooden lintels and a plain-tile roof with brick gable stack. Jollys Cottage contains a number of hotel suites.

- 2.5 Detached from the main hotel site are 'The Toll House' and 'Bakery Cottage' also containing hotel suites.
- 2.6 The marquee which is the subject of this report is erected on land to the rear of the property originally known as 'Brookside'. The marquee adjoins the existing building and is used as an extension to the function/conference room activities of the site (catering for weddings, christenings, birthdays, etc). It covers a floor area of approximately 328 square metres comprising formal dining, lounge and bar areas and is comfortably capable of accommodating 100 persons. In this regard the marquee has the potential to more than double the existing seating capacity of the existing hotel restaurants and bar. The current application follows the refusal of a previous planning application (P07/W1187/RET) for substantially the same development and the service of an enforcement notice to require its removal from the land.
- 2.7 The application area also includes an existing car parking area that has been constructed on adjoining agricultural land without the benefit of planning permission and in a manner that has weakened the landscaped edge of the settlement. This extended car parking area is just part of larger area of countryside that has been incorporated into the hotel site without the benefit of planning permission, the merits of which have not been put forward with the current application. The unauthorised change of use of the adjoining agricultural land including the car parking area is the subject of separate planning enforcement investigation (WE09/060).
- 2.8 The application seeks planning permission for the retention of the marquee for a temporary period of 2 years in order to fulfil ongoing bookings for the use of the marquee pending the submission of an application for a permanent structure which the applicant alleges will satisfy relevant planning policies. The applicant also refers to the need for such a facility and its importance as an integral part of the hotel business, which contributes to local employment opportunities as reasons supporting the current application. Plans and elevations of the marquee are **attached** as Appendix 2.
- 3.0 **CONSULTATIONS & REPRESENTATIONS**
- 3.1 Stadhampton Parish Council **Approve** - The parish council recommends approval subject to a Section 106 Agreement to ensure that disturbance to residents living within the vicinity of the Crazy Bear Hotel is minimised in terms of noise, traffic and lighting.
- 3.2 Highway Authority **Refuse** – The Local highway Authority recommends refusal in the interests of highway safety and convenience. Insufficient parking leading to increase on-street parking contrary to safety and convenience of highway users. Increased trip generation, intensifying the use of substandard access arrangements, to the detriment of safety and convenience of highway users.

- 3.3 2 x Objections from neighbours
- Various issues raised as follows:
- Unattractive feature of the village.
 - Inappropriate for a rural residential area.
 - Car parking inadequate when the hotel and restaurant is busy and the marquee is in use, leading to excessive on-street parking.
 - The use of the marquee not tourist based and therefore not supported by planning policy.
 - Marquee has not been removed in 2 years despite applicant's previous suggestion of use May to December only, therefore doubt the veracity of the applicant's intention to remove in 2 years.
 - The applicant has taken a commercial risk by taking bookings for a venue that has been ordered to be removed – this should have no bearing upon planning permission.

4.0 **RELEVANT PLANNING HISTORY**

Past History

- 4.1 The Crazy Bear Hotel has a long history of applications relating to the development of the original historic public house and its expansion onto adjoining and nearby residential properties including the following:
- March 1977 planning permission granted for the use of land of Newells Close for a car park (P77/N0037);
 - April 1992 planning permission and listed building consent granted for erection of a two storey rear extension (P91/N0546 and P91/N0520/LB);
 - June 1994 planning permission and listed building consent were refused for an illuminated flush wall sign (P94/N0210/A and P94/N0209/LB);
 - July 1999 planning permission and listed building consent granted for the erection of a two storey extension to the hotel building; a single storey extension to Jollys Cottage; the relocation of an air conditioning unit; and the retrospective removal of a chimney breast (P98/N0507, P98/N0508/LB and P98/N0509/RLB);
 - April 2000 listed building consent refused for the retrospective removal of a chimney breast (P00/N0061/RLB).
- 4.2 The Crazy Bear Hotel also has a long history of enforcement investigations, including the following:
- December 1994 planning enforcement notice (NE94/003) issued to require the removal of an unauthorised advertising board and associated lighting;
 - September 1997 planning enforcement notice (NE96/015) issued to require removal of a fence from the car park; and the removal of an unauthorised car park extension;
 - September 1997 planning enforcement notice (NE96/124) issued to require the replacement of a chimney breast and back-to-back fireplace which had been removed without listed building consent;
 - In 1999 an enforcement investigation (NE99/113) was commenced into the unauthorised change of use of Stonewell Cottage to purposes ancillary to the hotel;
 - In 2000 enforcement investigations were commenced into unauthorised spotlights (NE00/009); advertisements (NE00/026); removal of a chimney (NE00/027); and the installation of video surveillance cameras and satellite dish on a listed building (NE00/029).
 - In 2003 an enforcement investigation was commenced into the erection of a timber storage building and summer house used as a reception area (WE03/173).
 - In 2004 an enforcement investigation (WE04/170) was commenced into the

unauthorised change of use of Bakery Cottage as guest accommodation in connection with the hotel.

- In 2005 an enforcement investigation was commenced into the use of a double decker bus as a reception area (WE05/028).
- In 2006 an enforcement investigation was commenced into the installation of bollards in Bear Lane (WE06/192).

Recent History

- 4.3 On 6 December 2006 a total of six applications for planning permission and listed building consent were granted for the retrospective change of use and further development of various properties in Stadhampton in connection with the operations of the Crazy Bear Hotel. These applications were largely aimed at regularising various breaches of planning control and addressing a number of ongoing complaints from the local community, while extending some opportunity for further development of the site. (see P06/W0676/RET, P06/W0677/RET, P06/W0700/RET, P06/W0688/RET, P06/W0693/RET, P06/W0741 & P06/W0742/LB). The above package of six applications was also supported by a S.106 Agreement aimed at addressing various breaches of planning control and ongoing complaints from the local community. The principal planning permission (P06/W0741) addressing most of the concerns of neighbours was never implemented, however, and many of these concerns remain ongoing.
- 4.4 In 2007 two enforcement investigations were commenced into a breach of the terms of the Section 106 Agreement (WE07/100) relating to signage; and the unauthorised erection of a marquee (WE07/180).
- 4.5 On 3 December 2007 the Council refused a planning application (P07/W1187/RET) for the retention of the marquee for a temporary period between the months of May to December each calendar year. The application was refused for the following reasons:
- contrary to local distinctiveness;
 - contrary to local amenity (noise);
 - damaging to the landscape setting of the settlement;
 - adverse impact on the setting of listed buildings; and
 - inadequate provision for car parking
- 4.6 On 3 March 2008 the Council issued an enforcement notice requiring the dismantling and removal of the marquee structure and associated development from the land (WE07/180).
- 4.7 On 24 October 2008 the Planning Inspectorate dismissed two appeals relating to the refusal of planning permission (P07/W1187/RET) for the marquee; and the enforcement notice requiring its removal (WE07/180). The Inspector upheld the enforcement notice with a requirement that the marquee be removed no later than 24 April 2009.
- 4.8 The enforcement notice requiring the removal of the marquee was not complied with by the compliance date and Council officers were in the process of pursuing a prosecution against the owner of the Crazy Bear Hotel when the current application (P09/W0596/RET) for the retention of the marquee for a temporary period of 2 years was submitted.

5.0 **POLICY & GUIDANCE**

- 5.1 Oxfordshire Structure Plan – G1, G2, G5, T1, T2, EN4, EN5 and E5.
South Oxfordshire Local Plan (SOLP) 2011 – G2, G3, G6, C1, C4, C5, CON5, EP2, D1, D2, D7, TSM1, TSM4, T1 and T2.
- 5.2 Planning Policy Guidance Note 15 – Planning and the Historic Environment
Planning Policy Guidance Note 18 – Enforcing Planning Control
Planning Policy Guidance Note 24 – Planning and Noise
Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 7 – Sustainable Development in Rural Areas

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issues to be considered in the assessment of the current application are:
- neighbourhood amenity impacts;
 - respect for local distinctiveness and the landscape setting;
 - impact of development on the setting of listed buildings;
 - tourism policy;
 - parking & highway safety;
 - other considerations

Neighbourhood Amenity Impacts

- 6.2 Although the marquee-type structure which is the subject of the current application started out two years ago to be something more akin to a large tent, it has evolved over the years into a structure more akin to a building operation.
- 6.3 The marquee results in an intensification of the use of the site which clearly exceeds a scale and character of development commensurate with a local public house/restaurant in a village setting. The resulting intensification of activity including: 1) increased vehicle movements to and from the site; 2) the milling of people in the hotel grounds and surrounding streets; and 3) the increased noise associated with functions undertaken from the site including occasional fireworks displays, contributes to a diminution of residential character and amenity to the surrounding area which cannot be justified in terms of the achievement of other policy objectives.
- 6.4 Although the marquee is subject to licensing provisions aimed at addressing statutory noise nuisance from functions undertaken within the marquee, such licensing provisions do not adequately address the loss of amenity and quiet enjoyment suffered by neighbouring residential occupiers as a result of noise generated by an activity that is no longer compatible with the scale or character of its surroundings. In this regard the development is contrary to policy EP2 of the SOLP 2011.

Local Distinctiveness and Landscape Setting

- 6.5 The structure is not subservient to existing buildings in terms of size and scale and fails to reinforce local distinctiveness in terms of its design, colour and use of materials. In this regard the development is contrary to policy G6 of the SOLP 2011 which provides that planning permission will not be granted for proposals which are not of a high quality and inclusive design, which fail to protect local distinctiveness, or which are of a scale or type that is inappropriate to the site and its surroundings.
- 6.6 The marquee is also situated adjacent to the urban limits of the village and is clearly visible across open countryside to the east. The development has been made all the more intrusive by the removal of those landscape elements that previously distinguished the edge of the hotel site from the agricultural land beyond; and by the

sprawling extension of the car parking and other hotel activities into the open countryside without the benefit of planning permission. In this regard the development is contrary to policy C4, which provides that development which would damage the attractive landscape setting of the settlements of the district will not be permitted.

Setting of Listed Buildings

- 6.7 Policy CON5 of the SOLP 2011 provides that proposals which would adversely affect the setting of a listed building will be refused.
- 6.8 In the circumstances of the present case the marquee is situated within the rear garden of the Crazy Bear Hotel. The hotel facility is comprised of a number of smaller properties (four properties in total including two grade II listed buildings) which relate well to each other and reinforce the local distinctiveness of the area in terms of their size, scale, character and use of materials.
- 6.9 The setting of these buildings derives its character from the scattered nature of these small scale buildings and the open spaces that surround and separate them. The marquee by contrast is a large sprawling structure with a stark white canvas roof. It is raised up on an extensive area of decking which forms a sitting out area with chairs, tables, exterior lighting and outdoor heaters. The marquee and associated development are highly visible and intrusive elements that obscure much of the rear elevation of Brookside and adversely affect the setting of grade II listed buildings which comprise the main part of the hotel.
- 6.10 The development is contrary to policy CON5 of the SOLP 2011.

Tourism Policies

- 6.11 Policy TSM1 of the South Oxfordshire Local Plan 2011 is generally supportive of enterprises related to the tourist industry, which are based on the conservation and enjoyment of the inherent qualities and heritage of the area. Policy TSM4 permits the construction and extension of hotels, public houses and restaurants within the built-up area of existing settlements provided that:
- (i) -
 - (ii) the scale and location of the development is appropriate and the design and materials are in keeping with the locality;
 - (iii) there is no significant loss of amenity by local residents;
 - (iv) where appropriate the site is accessible to public transport and provision is made for pedestrian and cycle links with adjacent areas; and
 - (v) there are no overriding amenity, environmental or highway objections
- 6.12 The proposed development is considered to be contrary to the above tourism policies for the following reasons:
- the marquee is not in keeping with the character of the locality or the setting of the adjoining listed buildings in terms of its scale, location, design and materials;
 - the marquee results in an intensification in the use of the site which clearly exceeds a scale and character of development commensurate with a local public house/restaurant in a village setting, resulting in a loss of residential character and amenity to the surrounding area;
 - insufficient provision has been made for the car parking to cater for the needs of the development, in a manner that does not adversely impact on the character and appearance of the countryside contrary to policy G4 of the South Oxfordshire Local Plan 2011.

- the extent to which the marquee, which is intended for private functions only, contributes to the achievement of tourism objectives of the local plan is also questionable.

Parking and Highway Safety

- 6.13 The marquee structure for which planning permission is currently sought has the potential to more than double the seating capacity of the existing hotel bar and restaurants. The plans submitted with the application show the marquee in the context of an existing parking facility that has been extended into adjoining agricultural lands without the benefit of planning permission. This unauthorised development has resulted in the loss of landscape features and a weakening of the landscape edge of the settlement contrary to policies G4 of the SOLP 2011.
- 6.14 Although planning permission (P06/W0741) was previously granted for the extension of the hotel car park over part of the adjoining countryside in connection with a previously application for the redevelopment of the hotel site, that planning permission has not been implemented and has since lapsed. The encroachment of car parking into the countryside on that occasion was largely justified on the basis that the development otherwise achieved other planning objectives and addressed a number of ongoing amenity concerns from local residents. As this planning permission was never implemented, however, many of these concerns remain unresolved and the current proposal does not achieve the same objectives. The grant of this earlier planning permission was also subject to a number of conditions aimed at ensuring that the construction of the car parking area was undertaken to an appropriate standard and that the work was done in a manner that created a strong landscape edge to the settlement, including the retention and protection of important landscape features, which have since been removed by the owner.
- 6.15 No information has been submitted with the current application to justify the encroachment of the hotel car park into the countryside contrary to policy G4 of the SOLP 2011. Additionally no information has been submitted with the current application to justify the number of car parking spaces provided in terms of the specific parking demands of the hotel including the marquee facility. In this regard the loss of amenity suffered by the residents of Bear Lane as a result of spill over parking from the customers of the hotel and the associated disturbance from revellers returning to their cars in Bear Lane late at night has been the subject of ongoing concern to local residents.
- 6.16 The Local Highway Authority has recommended that the current application be refused on the basis that:
- insufficient provision has been made for parking leading to an increase in on-street parking contrary to safety and convenience of highway users; and
 - increased trip generation will result in the intensification of substandard access arrangements, to the detriment of safety and convenience of highway users.
- 6.17 The proposed development is therefore contrary to policies D2 and T2 of the SOLP 2011 which require the incorporation of adequate, safe and secure parking for vehicles in a discreet and sensitive manner.

Other Considerations

- 6.18 The current application provides for the retention of substantially the same structure that was refused by the Council on 3 December 2007 and that is the subject of an enforcement notice (WE07/180) issued by the Council on 3 March 2008 to require its removal from the land. The Council's decisions to refuse the previous planning

application and to issue the enforcement notice have both been upheld by the Planning Inspectorate at appeal. The circumstances of the current proposal remain substantially unchanged from that of the previously refused proposal.

6.19 The applicant seeks to justify the retention of the marquee for a temporary period of 2 years on the basis that it will allow the hotel to fulfil booking obligations pending the preparation and submission of a planning application for a permanent replacement building which according to the applicant will satisfy relevant planning policies.

6.20 The planning inspector in uphold the Council's decisions to refuse the previous planning application for the same development and to issue an enforcement notice to require its removal from the site stated in part as follows:

"I know that weddings are very important to the families and guests involved. However, I do not understand why the appellants took bookings for such important events for a period when he could have reasonably anticipated that he would be required to have removed the marquee. I do not consider that his case for an extension of time is a sufficient justification to allow the continuation of the material harm caused by the marquee. I therefore conclude that the time given to comply with the Enforcement Notice is not too short."

6.21 It was the Inspector's conclusion that the material harm caused by the marquee structure did not justify its retention on the site beyond the 6 month compliance period required by the enforcement notice; and that obligation to fulfil existing books was not sufficient justification for the temporary retention of the marquee beyond that compliance period, which has since elapsed.

6.22 Although the applicant would seek temporary planning permission for the retention of the existing structure on the basis that it is possible to design an alternative permanent structure which satisfies the relevant planning issues, it remains for the applicant to demonstrate the merits of such a proposal by the submission of a planning application. In this regard the applicant has had plenty of opportunity to prepare and submit such an application during the enforcement compliance period but has failed to do so. The promise that such a proposal exists is insufficient justification for the retention of the existing development for a further 2 years. This is particularly the case in view of the material harm caused by the development.

6.23 The Parish Council has recommended that the current application be approved subject to a section 106 agreement being entered into by the applicant, to ensure that disturbance to residents living within the vicinity of the Crazy Bear Hotel is minimised in terms of noise, traffic and lighting. It is unlikely, however, that the concerns of local residents are adequately capable of being addressed by means of a Section 106 agreement. In this regard such efforts have in the past failed. It is not otherwise possible to impose conditions upon a planning permission to address the full range of local resident concerns relating to the activities of the Crazy Bear Hotel many of which occur on land falling outside of the application area.

7.0 ENFORCEMENT

- 7.1 The current application relates to the retention of a marquee structure for which planning permission has previously been refused and that is the subject of an enforcement notice requiring the removal of the structure from the land. The Council's decisions to refuse the previous planning application and to issue the enforcement notice have both been upheld by the Planning Inspectorate at appeal.
- 7.2 A deliberate failure to comply with the terms of an enforcement notice is an offence under Section 179 of the Town and Country Planning Act 1990 for which the owner may be prosecuted. Accordingly, Council officers were in the process of pursuing a prosecution against the owner in connection with his failure to comply with the terms of the above enforcement notice, when the current application (P09/W0596/RET) for the retention of the marquee structure was submitted.
- 7.3 In the event that the Committee supports the recommendation to refuse the current application, then Council officers would take legal advice regarding the appropriate time to pursue a prosecution having regard to the applicant's right of appeal in connection with the current application. In the event that the Committee is of a mind to grant temporary planning permission to the current application, then compliance with the 2 year permission would need to be closely monitored.

8.0 CONCLUSION

- 8.1 The intensification in the use of the site as a result of the marquee exceeds a scale and character of development commensurate with a local public house/restaurant in a village setting, thereby contributing to a loss of residential character and amenity to the surrounding area.
- 8.2 The size, scale, location, design, materials and colour of the development is inappropriate to the site and its surroundings; contrary to the landscape setting of the settlement; and adversely affects the setting of listed buildings.
- 8.3 Inadequate consideration and provision has been made for car parking in connection with both the existing approved and proposed development, which is likely to exacerbate existing neighbourhood amenity issues relating to street parking in Bear Lane. It has not been demonstrated that adequate car parking is capable of being provided in a manner that would not be harmful to the countryside.

9.0 RECOMMENDATION

9.1 REFUSE Planning Permission for the following reasons:

- 1. That the design, location and materials used in the proposed development fail to protect local distinctiveness; and the scale and type of development exceeds that which is commensurate with a local public house/restaurant in a village setting contrary to policies G2, G6, D1 and TSM4 of the South Oxfordshire Local Plan 2011.**
- 2 That the intensification in the use of the site associated with the marquee results in a loss of amenity to the occupiers of nearby properties from noise generated by an activity that is not compatible with the scale or character of its surroundings. In this regard the development is contrary to policy EP2 and TSM4 of the SOLP 2011.**

3. **That the marquee structure is damaging to the attractive landscape setting of the settlement contrary to policy C4 of the South Oxfordshire Local Plan 2011**
4. **That the proposed marquee by reason of its size, scale, location, design, use of materials and its failure to respect local distinctiveness adversely affects the setting of listing buildings which form part of the hotel complex contrary to policy CON5 of the South Oxfordshire Local Plan 2011.**
5. **That inadequate provision has been made for car parking in connection with both the existing approved and proposed development, which is likely to exacerbate existing neighbourhood amenity issues relating to street parking in Bear Lane contrary to policies D2, T2 and TSM4 of the South Oxfordshire Local Plan 2011. It has not been demonstrated that adequate car parking is capable of being provided in a manner that would not be harmful to the countryside contrary to Policy G4 of the South Oxfordshire Local Plan 2011.**

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