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SUBJECT            **DEVELOPMENT APPLICATION REPORTS            ITEM 7**

REPORT OF        Head of Planning & Building Control

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<b>APPLICATION NO.</b>	P10/W0632
<b>APPLICATION TYPE</b>	Full Planning Permission
<b>REGISTERED</b>	12 May 2010
<b>PARISH</b>	Stadhampton
<b>WARD MEMBER(S)</b>	Mr John Cotton and Mr Philip Cross
<b>APPLICANT</b>	Mr J Hunt
<b>SITE</b>	The Crazy Bear Hotel, Bear Lane, Stadhampton.
<b>PROPOSAL</b>	Extension to provide function room with ancillary bar/servery, storage and toilets.
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	460275/198318
<b>AUTHOR</b>	Rob Cramp

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1.0    **INTRODUCTION**

1.1    This application has been submitted following:

- the refusal of two earlier retrospective planning applications (P07/W1187/RET & P09/W0596/RET) for the retention of a marquee for the holding of functions on the same site;
- the issuing of an enforcement notice (WE07/180) requiring the removal of the marquee from the site; and
- an ongoing legal action relating to the applicant's failure to comply with the terms of the above enforcement notice (WE07/180) by removing the marquee from the site.

1.2    The application provides for the erection of an extension to provide function room facilities as a permanent replacement for the existing unauthorised marquee structure.

1.3    The application is referred to the planning committee as the recommendation of the 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 at Stadhampton. The hotel site marks the edge of the built-up area of the village and the open countryside beyond. The **attached** OS map at Appendix 1 shows the location of the proposed development.

- 2.2 The hotel complex 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 17<sup>th</sup> Century and remodelled in the 19<sup>th</sup> 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 18<sup>th</sup> Century. The building is of colour washed 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 Erected to the rear of the building formerly known as 'Brookside' is a large marquee-type structure. The marquee was first erected without planning permission in 2007 as an extension to the function room activities of the hotel, catering for weddings, christenings, birthdays, conferences and other functions. It covers a floor area of approximately 328 sqm, comprising formal dining, lounge and bar areas. It is comfortably capable of accommodating 100 persons, more than doubling the indoor seating capacity of the existing hotel restaurants and bars. This marquee has been the subject of two previously refused applications for retrospective planning permission and an enforcement notice requiring its removal from the site. The marquee remains the subject of ongoing legal action in connection with the applicant's failure to comply with the above enforcement notice, this being an offence under the Town & Country Planning Act 1990.
- 2.7 The current application now provides for a permanent extension to the existing function room facilities at Brookside, as a permanent replacement for the unauthorised marquee structure. The proposed extension is a single storey oak framed structure with full length glazing and pitched clay tiled roof. It is proposed to be linked to the existing function room facilities at Brookside by a narrower flat roofed lobby area, aimed at giving visual relief to the massing of the development. The proposed function room extension has a gross floor area of 187.6 sqm and is therefore smaller than the existing marquee. The seating capacity, however, remains unchanged at 100 people. The building also includes its own bar, servery, store, plant room and upgraded toilet facilities. An external deck of approximately 60 sqm is also proposed.
- 2.8 The proposed development relies upon a car parking scheme approved by the council in connection with a previous planning permission for alterations and additions to the existing hotel facilities (P06/W0741). The above planning permission, which included a single storey extension to the rear of the historic public house and a basement level enlargement to the kitchen, wash-up and toilet facilities, has never been implemented. However, the applicant remains of the opinion that this permission, including the parking scheme, remains extant. The current proposal, however, makes no provision of any additional car parking over and above that approved by planning permission P06/W0741, even though the current proposal

more than doubles the indoor seating capacity of the hotel facilities. Indeed two proposed parking spaces have been lost as a result of the unauthorised extension of an adjacent building, known as the 'Log Cabin' into the parking area. Although the unauthorised extension of the Log Cabin into the car park is reflected on plans submitted with the current application, it is not included in the description of the development for which planning permission is currently sought. A total of 63 car parking spaces are proposed on plans submitted with the current application, including 4 disable parking spaces.

- 2.9 The applicant has suggested the imposition of a planning condition that would "preclude the use of the function room whilst the hotel's restaurant, bar and garden are in use for serving food". In this way the applicant suggests that the proposed development will not contribute to a loss of amenity to local residents as a result of increased noise, disturbance of traffic.
- 2.10 From the information submitted in support of the application it can be seen that the number of bookings for the use of the existing marquee has increased significantly over the 4 years that the marquee has been erected on the site, as follows:
- 2007 - 13 functions
  - 2008 - 30 functions
  - 2009 - 29 functions
  - 2010 - 56 bookings so far.
- 2.11 The hotel currently employs between 45 to 50 persons, although it is not clear how many of these would be directly attributable to the proposed development.
- 2.12 Plans and elevations of the proposed development are **attached as Appendix 2**
- 3.0 **CONSULTATIONS & REPRESENTATIONS**
- 3.1 Stadhampton Parish Council Recommends Approval – subject to adherence to an agreement regarding exclusive use of the hotel when a function is taking place; improvement to the car park, entrance and landscaping as outlined in the application; a restriction on the number of functions that can take place each year; and noise levels to be kept to an agreed level in accordance with relevant legislation.
- 3.2 Highway Authority Insufficient information has been submitted in the form of a properly prepared transport statement.
- 3.3 Environmental Protection Concerned at possible noise breakout from the proposed structure as the current glass sided marquee has a history of noise complaints relating to music. It is recommended that a condition be imposed requiring the submission, approval and implementation of a soundproofing scheme prepared by a suitably qualified acoustic consultant.
- 3.4 Monson The proposal falls slightly within Flood Zones 2 and 3 of the River Thames. Environment Agency guidance for such non-residential development below 250 sqm footprint is that it should incorporate flood resilient construction up to design flood levels. There should be no raising of ground levels or permanent storage of materials in the Flood Zone area.

- 3.5 Conservation and Design The proposed extension is of a scale that would be a departure from the established pattern of development in this part of Stadhampton.
- Views onto and from the listed buildings would be compromised to the north and east.
- The size of the proposed extension would have overwhelming impacts on the setting of the listed buildings by reducing the visual connection between these buildings and the rural landscape beyond.
- The design of the proposal with its use of timber frame and simple roof pitches is considered sympathetic to the rural character of the area. However, the construction of a large building on this scale is out of proportion to the main building of Brookside contrary to South Oxfordshire Design Guide (2008) and would have adverse impacts on the historic setting of this part of Stadhampton and on the setting of the listed building contrary policy CON5 of SOLP 2011 and PPS5.
- 3.6 1 x Neighbour Objections Object for the following reasons:
- the level of noise, traffic and number of people spilling out into Bear Lane during private functions is not consistent with the level of disturbance expected of a rural hotel;
  - the noise can be heard over ½ mile away;
  - the may bank holiday resulted in successive nights of disturbance;
  - wedding parties drop off in Bear Lane and guests use Bear Lane as a short cut.
- 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 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 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).

[Note:- The above enforcement investigations have since been closed for various reasons including compliance, not expedient, planning permission granted or enforcement notice issued.]

### **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 references 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. The applicant, however, remains of the opinion that the above planning permission remains extant.
- 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 erection of a marquee structure, which the current proposal seeks to replace (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 On 16 September 2009 the Council refused a retrospective planning application (P09/W0596/RET) for the retention of the marquee for a temporary period of 2 years. The application was refused for the same reasons as the previous application (P07/W1187/RET). This remains the subject of an appeal to be considered at a public inquiry scheduled for September 2010.
- 4.9 On 24 April 2009 the owner of the site became guilty of an offence under section 179 of the Town and Country Planning Act in that he failed to comply with the terms of enforcement notice WE07/180 requiring the removal of the marquee from the site. The Council subsequently commenced legal proceedings to prosecute the owner in respect of the above offence. On 1 July 2010 the owner pleaded guilty to the offence before Didcot Magistrates Court. The court has deferred the question of sentencing, however, until after the September planning appeal.
- 4.10 The current application now seeks planning permission for a permanent building extension to replace the existing marquee.

**5.0 POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan (SOLP) 2011:

- G2 – Protection and enhancement of the environment
- G3 – Locational strategy
- G4 – Development in the countryside and on the edge of settlements
- G6 – Promoting good design
- C1 – Landscape character
- C4 – The landscape setting of settlements
- CON5 – The setting of listed buildings
- EP2 – Noise and vibrations
- EP3 – Light pollution
- D1 – Good design and local distinctiveness
- D2 – Vehicle and bicycle parking
- D7 – Access for all
- D10 – Waste management
- TSM1 – Tourism
- TSM4 – Serviced accommodation, public houses and restaurants
- T1 – Transport requirements for new developments
- T2 – Transport requirements for new developments
- T3 – Transport assessments and travel plans

5.2 Government Guidance:

- Planning Policy Guidance Note 24 – Planning and Noise
- Planning Policy Statement 1 – Delivering Sustainable Development
- Planning Policy Statement 4 – Planning for Sustainable Economic Development
- Planning Policy Statement 5 – Planning for the Historic Environment
- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Good Practice Guide on Planning and Tourism (2006)

- 5.3 Other Guidance:  
South Oxfordshire Design Guide – July 2008  
South Oxfordshire Landscape Assessment

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issues to be considered in the assessment of the current application are:

- neighbour amenity impacts;
- principles of good design and respect for local distinctiveness;
- impact of development on the setting of listed buildings;
- parking & highway safety;
- employment and sustainable economic growth; and
- other considerations

**Neighbour Amenity Impacts**

- 6.2 Policy EP2 of the SOLP 2011 states that proposals which would by reason of noise and vibrations have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. Policy TSM4 provides that proposals for new tourism facilities comprised of hotel, public house or restaurant facilities will be permitted within the built-up area of existing settlements provided, among other things, the scale and location of the development is appropriate and there is no overriding loss of amenity by local residents.
- 6.3 The marquee results in an intensification of the use of the site, which 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 amplified music, occasional fireworks displays, and occasional helicopter landings contributes to a diminution of residential character and amenity to the surrounding area. This loss of amenity and residential character cannot be justified in terms of the achievement of other policy objectives.
- 6.4 The application building would no doubt be the subject of licensing provisions aimed at addressing noise nuisance arising from its use as a function facility. Such licensing restrictions, however, have not in the past preventing ongoing complaints relating to noise nuisance associated with the use of the existing marquee for substantially the same use. In the event that the current application is approved, the Council's environmental health team have recommended the imposition of a condition requiring the submission, approval and implementation of a soundproofing scheme to control the level of noise escaping the building,.
- 6.5 The above measures, however, will not address the loss of amenity and quiet enjoyment suffered by neighbours as a result of noise generated by activities occurring outside of the building but associate with its use. This point was acknowledged by the planning inspector in the appeal against the refusal of planning application P07/W1187/RET in connection with the existing marquee. Although the inspector acknowledged that noise within the marquee itself could be satisfactorily contained, he also acknowledged the considerable noise and disturbance likely to result from boisterous groups leaving the premises after an evening's entertainment. He further concluded that the use of the marquee is likely to increase the number of occasions when such noise and disturbance arises. On balance the inspector was of the opinion that the use of the marquee did contribute to unacceptable noise and disturbance for residents living near the site and reduces their level of residential

amenity to an unacceptable degree, contrary to policies EP2 and TSM4 of the SOLP 2011; and PPG24.

- 6.6 The intended use of the application building represents substantially the same use as that current operating from the marquee. The noise and disturbance referred to in the inspector's decision of 24 October 2008 has not been addressed by the current application. If anything the situation will have been made worse by the increase in the number of functions, from 30 functions in 2008 to 56 bookings so far in current year (2010).
- 6.7 The intensification in the use of the site associated with the proposed development therefore 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 setting in a rural village. This is contrary to policies EP2 and TSM4 of the SOLP 2011 and government guidance contained in PPG24.

**Good Design and Local Distinctiveness**

- 6.8 Policy G2 of the SOLP 2011 seeks to protect the district's countryside, settlements and environmental resources from adverse development; policy G6 states that planning permission will not be granted for proposals which are not of a high quality design, which fail to protect local distinctiveness, or which are of a scale or type that is inappropriate to the site and its surroundings. Policy D1 requires that principles of good design be taken into account in all new developments, including among other things respect for existing settlement patterns; and distinctive settlement types and their character. Policy TSM4 provides that proposals for new tourism facilities comprised of hotels, public houses and restaurant facilities should be of a scale and design that is appropriate to the locality.
- 6.9 The village of Stadhampton itself is a nucleated rural settlement, which is generally characterised by a tight, regular structure of plots around a central open space (or green). More specifically, the development along Bear Lane is small scale in character with rows of cottages and individual dwellings, which relate well to each other and reinforce the local distinctiveness of the area in terms of their consistent size, scale, character and use of materials. Extensions in this area are generally to the rear and modest in scale. The Crazy Bear Hotel is located on the edge of the settlement and the area to the east is rural in character.
- 6.10 In granting planning permission in 2006 to the change of use of the residential premises at Brookside for use as function facilities in connection with the Crazy Bear Hotel (reference P06/W0676/RET), the case officer acknowledged as follows:
- "It is generally noted that the existing residential properties that have been adapted for use by the Crazy Bear have retained their residential appearance. This change of use may have resulted in some intensification of activity in the area, it has not however, changed the essential character of the neighbourhood."*
- 6.11 The extensions now proposed, however, are of a size and scale that represents a departure from the established pattern of development in this part of Stadhampton. In this regard the South Oxfordshire Design Guide generally indicates that the form and scale of an extension should be proportionate to the original building and plot; and that the original building should remain the dominant element of the property. The design of an extension should try to keep a coordinated overall look using simple uncomplicated building forms.



- 6.12 The proposed timber frame construction and simple roof pitches of the proposed building are sympathetic to the rural character of the area. The size and scale of the development, however, is out of proportion with the main building at Brookside. They are also contrary to the distinctive pattern, type and character of development in this part of Stadhampton. The development is therefore contrary to policies G2, G6, D1 and TSM4 of the SOLP 2011.

**Setting of Listed Buildings**

- 6.13 Policy CON5 of the SOLP 2011 states that proposals for development which would adversely affect the setting of a listed building will be refused.
- 6.14 In the circumstances of the present case the proposed building 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). These buildings relate well to each other and reinforce the local distinctiveness of the area in terms of their size, scale, character and use of materials.
- 6.15 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 proposed extension, in terms of its size, scale and location, disrupts the established pattern of development that characterises this part of Stadhampton and that contributes to the setting of the listed buildings. Views onto and from the listed buildings to both the north and east would be compromised by the proposed building extension.
- 6.16 The size of the extension would also have an overwhelming impact on the setting of the listed buildings by reducing the visual connection between these buildings and the rural landscape beyond, which forms an important element of the setting of these listed buildings. This would be contrary to policy HE10 of PPS5 which seeks to favour applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset.
- 6.17 The proposed development is therefore contrary to policy CON5 of the SOLP 2011 and government guidance contained in PPS5.

**Parking and Highway Safety**

- 6.18 Policy D2 of the SOLP 2011 provides that planning permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles in a discreet and sensitive manner. Policy T1 states that proposals for all types of development should provide for safe and convenient access to the highway network; policy T2 requires proposals for development to make provision for parking of vehicles in accordance with the Council's maximum parking standards; and Policy T3 requires the submission of a transport assessment with all planning applications for development having significant transport impacts. Policy TSM4 provides that proposals for new tourism facilities comprised of hotels, public houses or restaurant facilities should not give rise to overriding highway objections.
- 6.19 Although not included within the application area, the current proposal relies upon the provision of car parking in accordance with a scheme approved by the council in connection with a previous planning permission (P06/W0741). Planning permission P06/W0741 was granted on 6 December 2006 for a major redevelopment of the original hotel site involving:
- a single extension to the rear of the historic public house;
  - a basement level extension containing a new and enlarged commercial kitchen,

wash-up and toilets facilities;

- an enlargement of the car park extending onto adjoining agricultural lands;
- a new access from Newells Close;
- relocation of a routemaster bus which is used as a reception/office; and
- landscaping.

6.20 The above permission was granted subject to pre-commencement conditions relating to the construction of the car park in accordance with details to be approved; the construction of the access in accordance with detail to be approved; the provision of landscaping in accordance with a scheme to be approved; the submission of materials to be first approved; and the protection of trees in accordance with a scheme to be approved. None of the above pre-commencement conditions have been complied with; none of the operational development has commenced; and the planning permission has since lapsed. The applicant, however, remains of the opinion that the planning permission, including the parking scheme, remains extant on the basis that the use of the adjoining agricultural land for purposes of car parking commenced prior to the expiration of the planning permission.

6.21 This remains a matter of contention, which is to be tested at an upcoming public inquiry in September 2010. In any event the existing car parking area to the east of the application site is either occupied without the benefit of planning permission or else it remains in breach of the conditions of planning permission.

6.22 Although the car parking scheme approved by planning permission P06/W0741 allowed for the encroachment of parking into the countryside, the stated reason for allowing such a departure from countryside policy was in order to address ongoing neighbour amenity concerns *“related directly to the inappropriate design and inadequate provision for onsite parking and service facilities in connection with the existing hotel facilities”*. The inadequacies of the existing parking facilities included:

- the inadequacy of sight lines to and from the existing access of Newells Close;
- the excessive use of Bear Lane for the parking of cars and unloading of service vehicles in connection with the hotel’s activities;
- headlight nuisance from cars exiting the site at night from the existing access;
- noise from the un-bonded surface of the existing gravel car park; and
- noise nuisance from vehicles exiting the car park via the existing access immediately adjacent to the rear boundaries of the neighbouring properties

As this planning permission P06/W0741 was never implemented, however, the above traffic and parking issues remain largely unresolved. As the car parking area has not been included in the current application site area, it is evident that applicant is not proposing to address these issues as part of the current proposal. The exclusion of the car park from the current application area also limits the council’s ability to impose conditions aimed at addressing these issues as part of the current proposal.

6.23 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. However these conditions have not been complied with in connection with the current use of this land for car parking; and the exclusion of the car park from the current application area again limits the council’s ability to impose conditions aimed at addressing these issues as part of the current proposal.

- 6.24 Although the proposed car parking numbers were considered adequate for the purposes of the development approved by planning permission P06/W0741, which according to the applicant still remains to be implemented, no provision has been made for any additional parking spaces in connection with the current proposed development. This is notwithstanding that the proposed development has the potential to more than double the indoor seating capacity of the hotel facilities over and above the development approved by planning permission P06/W0741.
- 6.25 In this regard the planning inspector in dismissing the appeal against the existing marquee was similarly of the view that the appellant had not demonstrated in any convincing way what the likely number of car parking spaces would be for the hotel's use, including the proposed function facilities. Furthermore the inspector was not convinced that sufficient off-street car parking could be provided to meet those needs.
- 6.26 The intended use of the application building represents substantially the same use as that operating from the marquee. However, no additional information has been submitted with the current application to address the inspector's concerns regarding the adequacy of the parking arrangements. The highway authority has similarly objected to the current application on the basis that insufficient information has been submitted with the current application regarding highway issues
- 6.27 Inadequate provision has therefore been made for car parking and highway safety in connection with both the existing and proposed development, which is likely to exacerbate existing neighbourhood amenity issues relating to street parking in Bear Lane contrary to policies D1, 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 and the landscape setting of the village contrary to policies G4 and C4 of the South Oxfordshire Local Plan 2011.
- Employment and Sustainable Economic Growth**
- 6.29 According to PPS4 (Planning for Sustainable Growth), the governments overarching objective is sustainable economic growth. To this end the PPS requires that social, economic and employment impacts of the development on the local area be considered when assessing proposals for economic development in rural areas. In the circumstance of the present case the proposed development constitutes part of an existing business, which provides employment for between 45-50 persons. The development therefore contributes to the local economy and to local employment opportunities.
- 6.29 Although PPS4 seeks to promote thriving, inclusive and locally distinctive rural communities, its support for economic development in rural areas is not without limits. Policy EC7 encourages local planning authorities to support the provision and expansion of tourist facilities that benefit rural businesses, communities and visitors. Such facilities, however, should utilise and enrich, rather than harm the character of the countryside, its villages, buildings and other features; and wherever possible, such facilities should be located in existing or replacement buildings. Where extensions to existing tourist facilities are proposed, the PPS states that the scale of the extension should be appropriate to its location.
- 6.30 The 'Good Practice Guide On Planning for Tourism' similarly emphasises the need for well designed tourist facilities that protect and enhance the natural and built environment and that avoid adverse impacts on adjacent land. The Guidelines also recognize the need for tourism developments to respect their environs and

complement them rather than detract from them. Developments should protect and enhance the visual quality of the site and its surroundings, to ensure that the development fits in well with its environs; and respect the historic interest of the surrounding buildings and areas.

- 6.31 In the circumstance of the present case, the proposed development does not strike an appropriate balance between economic development and the protection of the amenity of local residents, the character of the surrounding area and the historic setting of listed buildings. The development does not therefore accord with government guidance contained in PPS4 and the 'Good Practice Guide On Planning for Tourism' as reflected in policy TSM4 of the SOLP 2011.

**Other Considerations**

- 6.32 The applicant has suggested the imposition of a planning condition that would "preclude the use of the function room whilst the hotel's restaurant, bar and garden are in use for serving food". On this basis the applicant suggests that the proposed development would not result in any greater impacts on the amenities of local residents in terms of noise, disturbance and the inadequacy of car parking.
- 6.33 A similar proposed condition was suggested by the applicant in connection with the previously refused marquee proposals wherein the applicant indicated that the other bar and restaurant facilities of the hotel would remain entirely closed while functions were in progress. In dismissing the appeal against the refusal of planning application P06/W0741 the inspector indicated as follows: *"I do not consider it is possible to limit the use of the marquee so that it was only used if the other bars and/or restaurants in the Hotel were closed."* The Council would agree with the inspector's conclusion that such a condition could not reasonably be enforced. At what point would other patrons of the hotel be expelled for the other bars and restaurants to prevent an overlap of noise, traffic and general disturbance from all activities? The above condition would not be sufficiently precise to ensure that its intended purpose was achieved. A more precisely worded condition would be overly cumbersome and unreasonable. Even if such a condition was imposed, it would not prevent some patrons from arriving at the pub without a reservation such that the condition would not achieve its desired purpose in any event.
- 6.34 The currently proposed condition appears to water down the previously suggested condition by allowing other facilities of the hotel to remain open while a function is in progress subject to no sale of food. The imposition of such a condition would not prevent an overlap of noise, traffic and general disturbance from other activities of the hotel. Some food patrons would still arrive at the site without reservations such that the condition would not achieve its desired result. Faced with this situation the applicant would likely be tempted to offer such patrons some limited food services to have with drinks. At what point would a limited food serve represent a breach of the condition? Given the applicant's history of general disregard for planning controls, I have no confidence that the imposition of any such condition would be of any practical value in achieving its desired outcome. The Council would not have the resources necessary to regularly monitor and enforce such a condition in relation to just one business operating in the district. Such a condition would not satisfy the tests of being enforceable, precise and reasonable in all other respects pursuant to Circular No. 11/95.
- 6.35 Although the existing hotel facilities may be limited by the size of the existing kitchen facilities; if the 2006 planning permission (P06/W0741) remains extant, as the applicant claims, then this would result in a significant upgrade to the kitchen facilities that would better allow for all of the hotel's facilities to operate simultaneously.

6.36 The Parish Council has recommended that the application be approved subject to the applicant's adherence to an agreement requiring:

- the exclusive use of the hotel when a function is taking place;
- improvement to the car park, entrance and landscaping;
- a restriction on the number of functions that can take place each year; and
- noise levels to be kept to an agreed level in accordance with relevant legislation.

6.37 The following is a response to each of the above issues raised by the Parish Council:

- For the reasons already stated in the above report, the imposition of a condition preventing the use of the other hotel facilities when the function room is in use would not be enforceable, precise or reasonable. Given the applicant's history of general disregard for planning controls, I have no confidence that the imposition of any such condition would be of any practical value in achieving its desired outcome.
- As the car parking area has not been included in the current application site area, it is evidently that the applicant is not proposing to address issues relating to car parking, access and landscaping as part of the current application. The exclusion of the car park from the current application area also limits the council's ability to impose conditions aimed at addressing these issues.
- The Parish Council has suggested a restriction on the number of functions that can take place each year. However, no suggestion has been made by the Parish as to how many such functions should be permitted or a sound planning basis upon which such a number might be determined. Such a condition would be arbitrary and would not address the disturbance suffered by neighbouring residents on those occasions that the facility was in use. The Council would not have the resources necessary to regularly monitor and enforce such a specific condition relating to just one business operating in the district.
- Although it may be possible to impose conditions aimed at containing noise levels occurring inside the building to within accepted limits, such measures will never address the loss of amenity and quiet enjoyment suffered by neighbours as a result of noise generated outside the building but associated with its use. In this regard a planning inspector has already held the noise resulting from boisterous groups leaving the premises after an evening's entertainment to be contrary to local amenity. Other periodic sources of noise associated with the expanded function facilities on this site have included fireworks and helicopter landing and takeoffs on the adjoining agricultural land.

7.0 **CONCLUSION**

7.1 The intensification in the use of the site as a result of the proposed development exceeds a scale and character commensurate with a local public house/restaurant in a village setting and results in a loss of residential character and amenity to the surrounding area.

7.2 The size, scale and location of the development represent a departure from the established pattern and character of development in the area; and adversely affects the setting of listed buildings forming part of the hotel complex.

7.3 Inadequate consideration and provision has been made for car parking and highway safety in connection with both the existing approved and proposed development,

which is likely to exacerbate existing neighbourhood amenity issues relating to traffic and the excessive use of Bear Lane for the parking of vehicles. 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.

**8.0 RECOMMENDATION**

**8.1 REFUSE Planning Permission for the following reasons:**

1. That the proposed building extensions represent a departure from the established pattern of development in this part of Stadhampton, being of size and scale that fails to respect the local distinctiveness and character of the area. The proposed development is therefore inappropriate to the site and its surroundings contrary to policies G2, G6, D1 and TSM4 of the South Oxfordshire Local Plan 2011.
2. That the intensification in the activities of the hotel resulting from the use of the proposed building extension will result 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 setting in a rural village. In this regard the proposed development is contrary to policy EP2 and TSM4 of the South Oxfordshire Local Plan 2011 and government guidance contained in PPG24 (Planning and Noise).
3. That the proposed development by reason of its size, scale, location and its failure to respect local distinctiveness would adversely affect the setting of the listing buildings which form part of the hotel complex contrary to policy CON5 of the South Oxfordshire Local Plan 2011 and government guidance contained in PPS5 (Planning for the Historic Environment).
4. That inadequate provision has been made for car parking and highway safety in connection with both the existing and proposed developments, which is likely to exacerbate existing neighbourhood amenity issues relating to traffic, inadequate access and the excessive use of Bear Lane for the parking of vehicles. This is contrary to policies D1, D2, T2, T3 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 otherwise be harmful to the countryside and the landscape setting of the village contrary to policies G4 and C4 of the South Oxfordshire Local Plan 2011.

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