

Contact: Miss Shama Hafiz DDI No. 01494 421586
App No : 18/05307/FUL App Type : FUL
Application for : Retention of Tepee (Retrospective)
At The Royal Oak, Frieth Road, Marlow, Buckinghamshire, SL7 2JF
Date Received : 19/02/18 Applicant : Greenbush Limited
Target date for decision: 16/04/18

1. **Summary**

- 1.1. The retention of the tepee structure within the rear public garden area at The Royal Oak and the development being assembled in sympathetic natural materials is considered to be an acceptable form of low-level development within this semi-rural rear garden area, that would maintain the openness of the Green Belt, preserve the area of attractive landscape and not harm the historic setting of the Grade II Listed Building that it serves.
- 1.2. The application is considered to be in accordance with the Development Framework and as such the application is recommended for approval, subject to conditions.

2. **The Application**

- 2.1. The application is seeking retrospective permission for the retention of a tepee structure. The shape of the tepee is akin to a nine sided polygon, which has a width of 8.5m, an overall height to topmost part of the frame of 5.5m and 6.1m to the outer poles of the structure. The tepee is constructed of a wooden frame being finished in a canvas material and is secured to the hardstanding area below it with pegs.
- 2.2. The covering letter submitted with the application states that the tepee was erected in May 2017 on a temporary basis however the decision has been taken to retain it as a permanent asset for the public house and hence this application seeks its retention. The tepee is utilised for private functions in the garden allowing customers to have a private area for celebrations or simply a gathering of friends or colleagues. Therefore, the applicant is asserting that such a facility does not change the use of the public house or its garden in anyway, it is rather simply providing cover for those customers using this area. It should be noted that the fencing within the garden area has been in situ for many years in association with the former Pétanque court.
- 2.3. The application site is located within the large grounds of the Grade II Listed public house and is situated within the Green Belt and an Area of Attractive Landscape.
- 2.4. From 16 October 2017 the emerging policies of the Wycombe District Local Plan (Regulation 19) Publication Version will also be material. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.
- 2.5. Weight is of course a matter for the decision maker but the NPPF says:
Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the

policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

3. Working with the applicant/agent

In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter

In this instance, the applicant/agent was requested for clarification in respect of the nature of the application e.g. whether the structure was temporary, inclusion of the hardstanding element below tepee and parking arrangements for the site. Consequently, the agent provided an amended drawing showing the hardstanding with dimensions and also responded to the above queries which will be discussed in the relevant sections of this report below.

Relevant Planning History

- 3.1. The public house was erected prior to 1948. There have been many previous applications for this site, the most recent being:
- 3.2. 02/07887/FUL granted permission for the erection of a club hut for Bovingdon Pétanque club
- 3.3. 97/05385/FUL refused for the erection of play equipment
- 3.4. 96/05240/FUL & 96/05241/LBC granted permission for the erection of single storey extensions, alterations and demolition of flat roof extensions

4. Issues and Policy considerations

Principle and Location

Adopted Local Plan (ALP): G3, G8, GB2, L2 and HE3

Core Strategy Development Planning Document (CSDPD): CS9, CS17 and CS19;

Residential Design Guidance Supplementary Planning Document;

New Local Plan Submission Version: Policies CP1 (Sustainable Development), CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM20 (Matters to be determined in accordance with the NPPF)

- 4.1. At paragraph 89 of the (NPPF) it is stated that new buildings in the Green Belt are inappropriate, except where they are ...”provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.” Paragraph 81 of the NPPF also states that “local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation”.
- 4.2. This detached and listed public house lies within the Green Belt and an Area of Attractive Landscape, and is located to the front of a large plot of land with the tepee structure being sited relatively on the position of the former Pétanque court located away from the road and to the south west side of the site.
- 4.3. The Public House is a long-established business that has been in this historic semi-rural location for many years, with its public garden space therefore having been used for public sitting-out/dining/drinking purposes, together with an open socialising space. It is understood that the tepee is intended to be permanent, although it is secured by pegs and can be dismantled and removed at any time.

- 4.4. The paving on which the tepee sits is on a hardstanding that was formerly a Pétanque piste the part on which the tepee sits being the lower and larger piste the smaller upper one still remains to the rear of the tepee. It is noted the Pétanque piste had been in situ for many years and its existence was mentioned in the 2002 case officer report for the approved club hut for the purposes of the Pétanque club, however for consistency the agent has provided an amendment to the application to include the hardstanding within the drawings. It should be noted that the hours of use as stated within the application are the same as for the public house and associated gardens, there is no intention to extend hours by the tepee use. Furthermore, the agent for the application has confirmed all of the above details in writing.
- 4.5. The Conservation Officer has been consulted on the application and acknowledges that the tepee is a sizeable structure located within the setting of the listed public house building. However, given that it is not a solid structure and can be dismantled at any time, it is on this basis therefore, it is accepted and there is no objection in terms of its impact on the significance of the listed building's setting.
- 4.6. The retention of the tepee structure within the established pub garden/recreation area is therefore a form of development that is considered to be acceptable, in principle, within this sensitive semi-rural location.
- 4.7. The good quality, sympathetic materials being used for the creation of the structure are not considered to harm the attractive and historic character and appearance of this semi-rural location, with the simple design, form, appearance and sensitive materials of the development being in keeping with the outdoor setting of the Public House.
- 4.8. The development is not considered to detract from the setting of the adjacent listed building and would maintain the open character and visual amenity of the surrounding Green Belt land. The tepee structure on site is considered to conserve the landscape quality of the surrounding Area of Attractive Landscape and would not cause harm to its special character and appearance.
- 4.9. Given that the tepee is not of substantial construction and that it may deteriorate overtime, whereby it would have the ability to become visually intrusive it is considered reasonable and appropriate to review the position of the development in terms of its appearance and to grant a temporary permission for maximum of two years.

Impact of the development on the residential amenities of the neighbouring dwellings

Adopted Local Plan (ALP): G3, G8;

Core Strategy Development Planning Document (CSDPD): CS19;

Residential Design Guidance Supplementary Planning Document;

New Local Plan Submission Version: Policies CP1 (Sustainable Development), CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM20 (Matters to be determined in accordance with the NPPF)

- 4.10. The tepee structure is sited well away from the rear garden boundary of the nearest neighbouring property at 1 Rose Tree Cottages and is part screened from this garden in the summer by existing trees and shrubs on the shared boundary. The other neighbouring property at The Thatch is sited over 50m away from tepee structure. It is appreciated that some noise may be generated by the use of this facility, however, this would be no greater than the noise generated previously by users of the Pétanque courts and club hut, and indeed from the pub garden generally during the summer months. There is a 1.8m high fence line enclosing the area of where the tepee is sited from the outside sitting area with benches which is directly adjacent to the rear of the pub building.
- 4.11. As mentioned above, the applicants are not proposing any change in terms of the hours of use as a result of the tepee facility, neither is there any intention to extend

the hours or level of noise beyond that associated with a public house of this size. The agent has also advised that live or loud music or any form of DJ is prohibited. The only music permitted is from a music system that is provided and is low key.

- 4.12. Further information has also been provided in terms of the booking schedule for the tepee from May 2017 – May 2018: 58 bookings, 2 all day, 1 morning, 3 afternoon, 12 lunch and therefore 40 evenings. There is a limit to the numbers and a charge for use of the tepee together with a commitment to a food order. The bookings have included product launches, 50th and 60th birthday parties and baby showers.
- 4.13. It should also be noted if the tepee is hired out on occasions throughout the year for 1-day temporary events for instance, these do not require the benefit of planning permission and any issues relating to noise and nuisance emanating from such events should be raised with the Environmental Health Services who have controls under the licensing legislations.
- 4.14. Environmental Health Services have also raised no objections to this development. In addition, the Environmental Health Officer has advised having conducted a site visit and concluded investigations, is satisfied that the premises licence at the Royal Oak is sufficient to control noise emitting from the use of the tepee. The reasons being that the pub beer garden has been used for many years and the tepee is unlikely to introduce any additional increase to noise levels. It was advised that the premises licence for the public house can be reviewed in the future if noise levels do increase to unacceptable levels.
- 4.15. The proposal is not considered to significantly increase any existing levels of noise or disturbance for the neighbouring occupants within this semi-rural location. The development is therefore considered to have an acceptable impact upon the adjacent neighbouring properties and their residential amenity levels.

Impact of the development on parking and highway safety

Adopted Local Plan (ALP): T2, Appendix 9;

Core Strategy Development Planning Document (CSDPD): CS20;

Buckinghamshire County Council Parking Guidance

New Local Plan Submission Version: Policies DM33 (Managing Carbon Emissions: Transport and Energy Generation), DM35 (Placemaking and Design Quality)

- 4.16. There are currently 45 car parking spaces and the ability to park another 2 cars on part of the grassed area should the need arise. It is understood that the management do monitor and manage the car parking area and on busy occasions will position a member of staff in the car park to assist.
- 4.17. The agent advises that the provision of this tepee within the pub garden space would also improve the existing vitality and viability of this Public House. It is stated that the tepee is available for hire on an appointment only basis throughout the week, it is indicated however that this facility is predominantly used for gatherings and events mostly from Friday and the weekend.
- 4.18. It is put forward that customers frequenting a pub/restaurant often use taxi's and car share as most will be drinking alcohol, this means that although the tepee has a maximum capacity of 50 people many will not arrive in an individual car. On balance, this is the same for the established pub/restaurant side of the business. It should also be noted that many bookings for the tepee are not for maximum numbers. The above circumstances should also be balanced against the fact that the garden to the pub exists and has always been available for use and continues to be and that the tepee simply provides a focus for outdoor socialising, rather than an additional facility.
- 4.19. In summary, the existing parking provision within the pub car park would be retained with 45 spaces and a further 2 spaces available on the grassed area for busier periods. Given that the tepee is being used as an ancillary rather than an additional facility to support the public house, the level and arrangement of parking is

considered acceptable in this case.

Weighing and balancing of issues – overall assessment

- 4.20. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 4.21. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- (a) Provision of the development plan insofar as they are material
 - (b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
 - (c) Any other material considerations
- 4.22. As set out above it is considered that the proposed development would accord with the development plan policies.

Recommendation: Application Permitted

- 1 The tepee structure and all the associated fixtures and fittings shall be removed and the area restored to its former condition on or before 31 May 2020.
Reason: The tented enclosure, by reason of its appearance and the location of the site in an Area of Attractive Landscape and Green Belt, and that enclosure/covering may deteriorate and become visually intrusive overtime and therefore not considered suitable for permanent retention.
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers WDC1; WDC3; WDC4; R01A; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

INFORMATIVE(S)

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