

UTT/0947/11/FUL (CHRISHALL)

(Referred to Committee by Cllr Chambers. Reason: Impact on neighbouring listed buildings. If car park was extended this contravenes the visual site in the centre of the village)

PROPOSAL: New access, relocate and extend car parking and associated landscaping

LOCATION: 11 High Street, Chrishall

APPLICANT: Ms Alexis Beeching

AGENT: PHD Associates

GRID REFERENCE: TL 445-392

EXPIRY DATE: 19 July 2011

CASE OFFICER: Miss K. Benjafield

APPLICATION TYPE: MINOR

1. NOTATION

1.1 Within Development Limits / Protected Open Space / Tree protected by a Tree Preservation Order located adjacent to the northern site boundary / Grade II Listed Public House and adjacent Barn within site / Grade II Listed dwelling adjacent to site

2. DESCRIPTION OF SITE

- 2.1 The site is broadly triangular in shape and is situated in the centre of Chrishall, adjacent to the junction of High Street and Hoggs Lane as well as the junction of High Street and Church Road. A mature hedge forms the north-western and north-eastern site boundaries with Church Road and High Street.
- 2.2 Within the site is a two-storey thatched public house which is Grade II Listed. At right angles to the pub is a thatched barn which is also Grade II Listed and another single storey building is at right angles to the barn. The single storey building was formerly the village post office building.
- 2.3 To the north of the group of buildings is the vehicular access to the site which leads from the High Street to the car park. The existing car park is surfaced with gravel and covers approximately half of the area to the north of the public house. Beyond the car park is a grassed area.

3. PROPOSAL

- 3.1 This application relates to the construction of a new access approximately 25m to the north of the existing access. Most of the existing car park would be landscaped to provide a children's play area and outside seating for customers with the top section forming part of the proposed access.
- 3.2 The existing grassed area to the north of the current parking would form the relocated and extended car park providing 40 parking spaces, including 3 disabled spaces. A 2m high acoustic fence is proposed along the site boundary with Mullion Cottage, adjacent to the site's northeast boundary.

- 3.3 This application has been submitted with an application for advertisement consent to relocate the existing freestanding pub sign. The advertisement consent application has not been referred to committee and has been dealt with under delegated powers.

4. APPLICANT'S CASE

- 4.1 A design and access statement has been submitted with the application. This provides background information regarding the site as well as details of the proposal, recent planning history, relevant policy requirements and pre-application advice.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0726/11/FUL & UTT/0729/11/LB

- 5.2 Planning and listed building consent applications relating to the erection of an extension to the kitchen of the public house to provide a link to the listed barn, conversion of the barn to form a function room and the former post house to form toilet/storage provision for the function room. Both applications were conditionally approved in June 2011.

UTT/0689/00/FUL Permission for extension to car park.

6. POLICIES

6.1 National Policies

PPS5 - Planning for the Historic Environment

6.2 East of England Plan 2006

Policy T14 - Parking

Policy ENV6 - The Historic Environment

6.3 Essex Replacement Structure Plan 2001

N/A

6.4 Uttlesford District Local Plan 2005

Policy S3 - Other Development Limits

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN4 - Good Neighbourliness

Policy GEN5 - Light Pollution

Policy GEN8 - Vehicle Parking Standards

Policy ENV2 - Development affecting Listed Buildings

Policy ENV3 - Open Spaces and Trees

7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council objects to the proposal and has raised the following concerns:
- Concerns about the amount of hedge that would be removed for sight lines and the new access
 - The close proximity of the access to the road junctions in the vicinity, the school, bus stop and coach stop on the High St and on-street parking outside properties on the High St.
 - Objects to two access points being retained into the site which would complicate an already difficult junction. If there is a requirement for the original access to be retained from a listed building perspective, this should be the only access into the site.

- Requests that the proposal is re-drafted to ensure that the existing entrance is retained and that adequate car parking is provided to prevent on-street parking.
- Concerns that although the green space is covered by ULP Policy ENV3, if it is changed to car park, this could result in it becoming brownfield land. Could this land be protected as a green space through the use of conditions?
- The highway verge in front of the hedge facing High St would have to be removed if the new access were to be permitted in addition to the Millennium Tree in order to achieve visibility splays.
- The PC is seeking conditions limiting light levels within the site. The Chrishall Parish Plan states that street lighting is not required and it is requested that street lighting is prohibited on the site.
- The PC seeks to retain a pub sign of a design similar to the existing without excessive lighting and for it to be retained in its original position.
- Requests that the PC is involved in making recommendations for any proposed planting scheme.

7.2 For comments on the Parish Council response please see the appraisal section. In addition:

- The green area of land is already protected by ULP Policy ENV3 as open space.
- The area of highway verge to be removed would be determined by the local highways authority and their technical requirements for an access.
- The proposals relating to the pub sign will be considered under UTT/0948/11/AV and are not included within this application.
- The applicant may wish to involve the Parish Council prior to submitting a landscaping scheme to the Council for approval.

8. CONSULTATIONS

UDC Engineer

8.1 The surface of the car park should comprise a permeable surface or the levels should be arranged so that surface water runs off onto the adjoining soft areas within the site.

UDC Conservation Officer

8.2 The proposed new access and car parking arrangements would not adversely affect the setting of the listed buildings within the site or the adjacent "Mullion Cottage". The proposed acoustic fence should be screened from view by planting on the pub side of the fence. Conditions should be imposed to ensure that the proposed development has a satisfactory rural visual appearance in keeping with the rural character of the village. No objections subject to conditions.

UDC Landscape Officer

8.3 No objections subject to the submission of an appropriate landscaping scheme. The submitted landscape details indicate an unacceptable scheme which does not adequately reflect the rural character of this site and its surroundings. The protected tree would not be detrimentally affected by the proposals.

ECC Highways

8.4 No objection subject to four conditions:
 i Access to be minimum of 5.5m wide maintained for first 6 meters and at right angles to highway
 ii No unbound material to be used for first 6m of access
 iii Submission of details to drainage

iv Existing access to be reduced to pedestrian only

9. REPRESENTATIONS

9.1 11 representations have been received. Of these, 3 provide comments on the proposals, 2 support the proposals and 6 object to the proposals.

9.2 Main points:

- Concerns regarding conflict between vehicles, including delivery lorries, using the access and those parked on the High Street, travelling along the High Street and pedestrians and users of the primary school.
- Proposals are changing the character of the pub
- The submitted plans are inaccurate
- The site is in conservation area and it is unclear whether the proposals would result in a loss of trees on the site.
- No space is shown for cycle or motorcycle parking.
- Part of the ancient hedge would need to be removed; the existing hedge should be protected and maintained at a height of 2m.
- The proposals would impact negatively on neighbouring properties as a result of noise.
- Concerns regarding proposed lighting of the site.
- The acoustic fence would have an overbearing impact when viewed from Mullion Cottage.
- Views from Mullions Cottage would be obscured.
- A cleverly designed car parking scheme with associated landscaping could be achieved on the site.

9.3 Please see appraisal section for comments, in addition to:

- The site is not in a Conservation Area and only the tree to the north of the site is protected. Notwithstanding this, an appropriate landscaping scheme detailing trees to be removed or retained would be required if the application were to be approved.
- Within planning legislation there is no right to a view.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the proposal would respect the character of the area and preserve the openness of the site and the protected tree at the north of the site (ULP Policies S3, ENV3)
- B Whether the proposed access would be acceptable (ULP Policy GEN1)
- C Whether the proposals would have a detrimental impact on the setting of listed buildings on the site and those adjacent to it (ULP Policy ENV2, PPS5)
- D Whether the number, location and layout of the parking spaces would be acceptable (ULP Policy GEN8)
- E Whether the proposals would have a detrimental impact on the amenity of the occupiers of residential properties adjacent to the site (ULP Policies GEN2, GEN4, GEN5)
- F Other material considerations

10.1 **A Whether the proposal would respect the character of the area and preserve the openness of the site and the protected tree at the north of the site (ULP Policies S3, ENV3, GEN5)**

10.2 The site is located within the Development Limits for Chrishall and is also designated as a protected open space under ULP Policy ENV3. Within Development Limits, development which is compatible with the settlement's character and countryside

setting will be permitted. ULP Policy ENV3 states that the loss of traditional open spaces and fine individual tree specimens will not be permitted unless the need for the development outweighs their amenity value.

- 10.3 The site is surrounded by a mature hedge approximately 1.5m high and this prevents views into the site from public vantage points to the north, east or west. It is only possible to look into the site from the existing access which is located to the northwest of the public house.
- 10.4 The proposed new access would open up views into the site from positions on the High Street. As a result, at times when vehicles would be parked on the site these would be visible through the access. However the site would remain enclosed by the existing hedging and long views of the site would remain unchanged with the hedge screening the vehicles on the site. In addition, at times when the car park is unused the views across the site through the access would be broadly the same views that exist through the existing access.
- 10.5 The Council's Landscape Officer has been consulted with regards to the protected tree and the impact of the proposal on the open space and has no objections subject to the imposition of conditions. Therefore it is considered that as the proposed car parking area would retain the openness of the site and there would not be any built form constructed which would be detrimental to that openness, the construction of a new access and the extension and relocation the car park would have a minimal impact on the character of the surrounding area and would be acceptable.
- 10.6 Notwithstanding the above, the proposed landscaping details that have been indicated on the submitted landscape drawing would result in an overly fussy scheme that would not respect the rural character of this area. Therefore it is intended to not include this plan within the approved drawings and to require, through the imposition of a condition, that a sympathetic landscaping scheme be submitted to the Council as the local planning authority (LPA) for approval before the commencement of development.
- 10.7 The Chrishall Parish Plan recognises that street lighting is opposed by the residents who have concerns that it would be out of keeping with the rural character of the village. Concerns that unacceptable lighting would be required within or around the car park have also been raised by the Parish Council and a number of local residents with regard to this application. The proposed lighting that has been indicated on the application drawings would be low level bollard lights. These would be able to provide localised light within the car park and would not result in light spilling beyond the site boundaries. Such lighting would therefore be acceptable although it would be necessary to impose a condition regarding any proposed lighting to ensure that it would be appropriate to this rural area and not excessively bright.
- 10.8 **B Whether the proposed access would be acceptable (ULP Policy GEN1)**
- 10.9 ULP Policy GEN1 identifies five criteria which development is required to meet to be permitted. Criterion a) relates to whether the access is capable of carrying the traffic generated safely. The highways authority raises no objection.
- 10.10 There would not be any traffic generated as a result of the current proposals. The proposed development of the new access and the extended and relocated car park would only accommodate traffic which would be generated by the existing and approved uses on the site.
- 10.11 The design of the layout has taken into account the needs of pedestrians, public transport users and people whose mobility is impaired through the separation of the car park area from the area immediately adjacent to the site where pedestrians and public transport users would enter the site. The existing areas of potential conflict between pedestrians and vehicles have therefore been addressed and removed and the

proposal includes allocated disabled bays which would be located close to the path leading to the public house and function room.

10.12 There is no allocated area for cycle or motorcycle storage within the proposed scheme however the existing car parking areas do not include this either. As discussed above, the proposals within this application are aiming to address the existing shortage of car parking provision and the layout of the land associated with the existing uses on the site. It would therefore be unreasonable to refuse the application for a lack of cycle or motorcycle storage as there is none at present. Furthermore there is no evidence that motorcyclists or cyclist would not be able to find suitable parking most of the time.

10.13 The proposals aim to provide an improved arrangement within the grounds of the public house. The layout of the site would continue to provide a pedestrian access to the front of the public house which would be separate from the vehicular access and therefore this would provide a pedestrian friendly entrance to encourage customers to arrive on foot.

10.14 C Whether the proposals would have a detrimental impact on the setting of listed buildings on the site and those adjacent to it (ULP Policy ENV2, PPS5)

10.15 The Council's Conservation Officer has been consulted with regard to the proposed development and considers that subject to the imposition of conditions, the development would protect the character, setting and appearance of the listed buildings. The views from public vantage points would be of the existing hedge around the site boundary with the listed buildings beyond. As such, the vehicles within the car park would not be dominant and would not be harmful to the setting of the listed buildings. An appropriate scheme of landscaping associated with the proposed car park alterations and new access would be beneficial to the setting of the listed buildings and should be required by condition.

10.16 Although no elevation details of the proposed acoustic fencing have been submitted, it is likely that this would be in the form of close boarded fencing. This type of boundary treatment is not normally appropriate within the curtilage of a listed building however if it is considered to be necessary for the purposes of protecting the amenity of the occupiers of Mullion Cottage, it is recommended that a form of planting be required by condition in front of the fencing to screen the fence.

10.17 D Whether the number, location and layout of the parking spaces would be acceptable (ULP Policy GEN8)

10.18 The proposed car park would provide a total of 40 parking spaces (including 3 disabled spaces) with a central parking area surrounded by a circulation area and further parking areas towards the site boundaries. The current parking standards apply a maximum number of spaces per development. The number of spaces proposed would be greater than the existing car parking provision on the site but would not exceed the maximum indicated in the parking standards.

10.19 The proposed layout would result in the car park having an improved and clearer layout than the existing car park, making it more user friendly. The proposed increase in the number of spaces would also benefit the expansion of the business associated with the approved conversion of the listed barn and former post house on the site.

10.20 E Whether the proposals would have a detrimental impact on the amenity of the occupiers of residential properties adjacent to the site (ULP Policies GEN2, GEN4, GEN5)

10.21 Concerns have been raised from the occupiers of neighbouring properties regarding the impact of the relocated and extended car park and the potential for this to generate noise disturbance. The application drawings indicate that an acoustic fence is proposed

to be erected close to the boundary with Mullion Cottage in order to provide a barrier between the car park and that property and reduce any potential noise disturbance.

- 10.22 The occupants of Mullion House however are concerned with regard to the visual impact of such a fence when viewed from their property and the possibility of a loss of light to windows facing the fence. The fence is indicated on the plans as being located adjacent to the boundary hedge belonging to Mullion Cottage. There is a change in levels between the application site and Mullion Cottage and as a result, the fence would appear to be higher than 2m when viewed from Mullion Cottage.
- 10.23 The existing car park arrangements include a gravelled area which extends up to the boundary with Mullion Cottage. This currently enables vehicles to park immediately adjacent to that property. Although the proposed car park layout would result in a semi-formal parking layout, vehicles would not be able to park as close to Mullion Cottage as they are currently able to. There would be a separation of between 5.6m - 9.8m between the parking spaces and the site boundary.
- 10.24 In light of the change in ground levels between Mullion Cottage and the application site, the erection of a 2m high acoustic fence could have an overbearing impact when viewed from Mullion Cottage and may also result in a loss of light to the property. However, the car park layout would result in vehicles parking further away from the site boundary with Mullion Cottage and on a quieter surface than the existing gravel. On balance, it is considered that the erection of the acoustic fencing would have an unacceptable impact on the amenity of the occupiers of Mullion Cottage. However, the car park provision indicated to be closest to that property is unlikely to result in noise disturbance which would be materially detrimental to the amenity of the occupiers of Mullion Cottage.
- 10.25 The proposed alterations to the car park provision are unlikely to result in any loss of privacy or overlooking to neighbouring properties, mainly as a result of the distances which exist between the site and neighbouring properties. With regard to Mullion Cottage, this would be due to the existing seating and open areas for children to play on would be relocated closer to the pub at the western and central areas of the site and therefore fewer people would congregate in the areas adjacent to Mullion Cottage.
- 10.26 With regard to the potential for light pollution having a detrimental impact on residential amenity, as detailed in paragraph 10.7 it would be possible to impose conditions to ensure that the proposed bollard lighting would have an appropriate level of light and not result in light spilling outside the site to adjacent properties.
- 10.27 Other material considerations. It is well known that rural pubs are under pressure and some are closing (a current appeal is awaiting determination in Radwinter concerning change of use of a pub to a dwelling). Officers consider that works to improve the desirability of the pub to its potential customers - the provision of better parking and separation of the playing area from the car park and its access - are material considerations in favour of the application.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The proposals would maintain the openness of the area protected by ULP Policy ENV3, would not have a detrimental impact on the protected tree and subject to the imposition of conditions would maintain the rural character of the area.
- B Subject to the content of ECC Highways consultation response, the proposal would have satisfactory access arrangements which would comply with the requirements of ULP Policy GEN1.

- C The proposals would not have a detrimental impact on the character, appearance or setting of the listed buildings on the site or adjacent to the site and with an acceptable landscaping scheme would be beneficial to the setting of the listed buildings.
- D The number, location and layout of the proposed parking provision would be acceptable.
- E Subject to the impositions of appropriate conditions, the proposals would not result in a detrimental impact to the residential amenity of the occupiers of surrounding properties.

RECOMMENDATION – CONDITIONAL APPROVAL

Time limit for commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

To be implemented in accordance with approved plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority

Scheme of landscaping to be submitted and agreed (amended)

Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels with the omission of the earthworks which are indicated on the submitted plans
- b) means of enclosure including a low means of enclosure to separate the car park from the children's play area and the seating area
- c) car parking layout together with a method of protecting the perimeter ledge from damage from manoeuvring vehicles.
- d) vehicle and pedestrian access and circulation areas with a gravel bound surface indicated to the vehicle circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

i) details of siting and timing of all construction activities to avoid harm to all nature conservation features

The applicant is advised to discuss the proposed landscaping scheme with the Case Officer and Landscape Officer prior to submission.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

Implementation of landscaping

All hard and soft landscape works shall be carried out in accordance with the approved details. The approved measures to protect the perimeter ledge from damage shall be put in place prior to the first use of the car park. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

Control of lighting

A Before development commences details of any lighting to be installed on the site must be submitted to and approved by the local planning authority in writing. Subsequently the lighting shall be implemented in accordance with the approved details.

REASON: To ensure the development does not adversely affect the rural character of the area or the amenity of neighbouring residential properties.

The approved details and plans do not include the submitted landscaping plan or the provision of an acoustic fence adjacent to the boundary with Mullion Cottage.

REASON: These details are not acceptable and do not form part of any permission granted.

Before the commencement of development details of the surfacing of the car park and proposed surface water drainage shall be submitted to and approved in writing by the local planning authority. The submitted details shall indicate the site levels arranged in a manner so that the surface water runs into adjoining soft areas within the site.

REASON: To protect the character of the area, amenity of neighbours and prevent flooding of the site and surrounding properties.

This permission does not relate to the installation or erection of children's play equipment within the site.

REASON: For the avoidance of doubt as no details have been submitted and planning permission would be required for such equipment.

The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be

less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

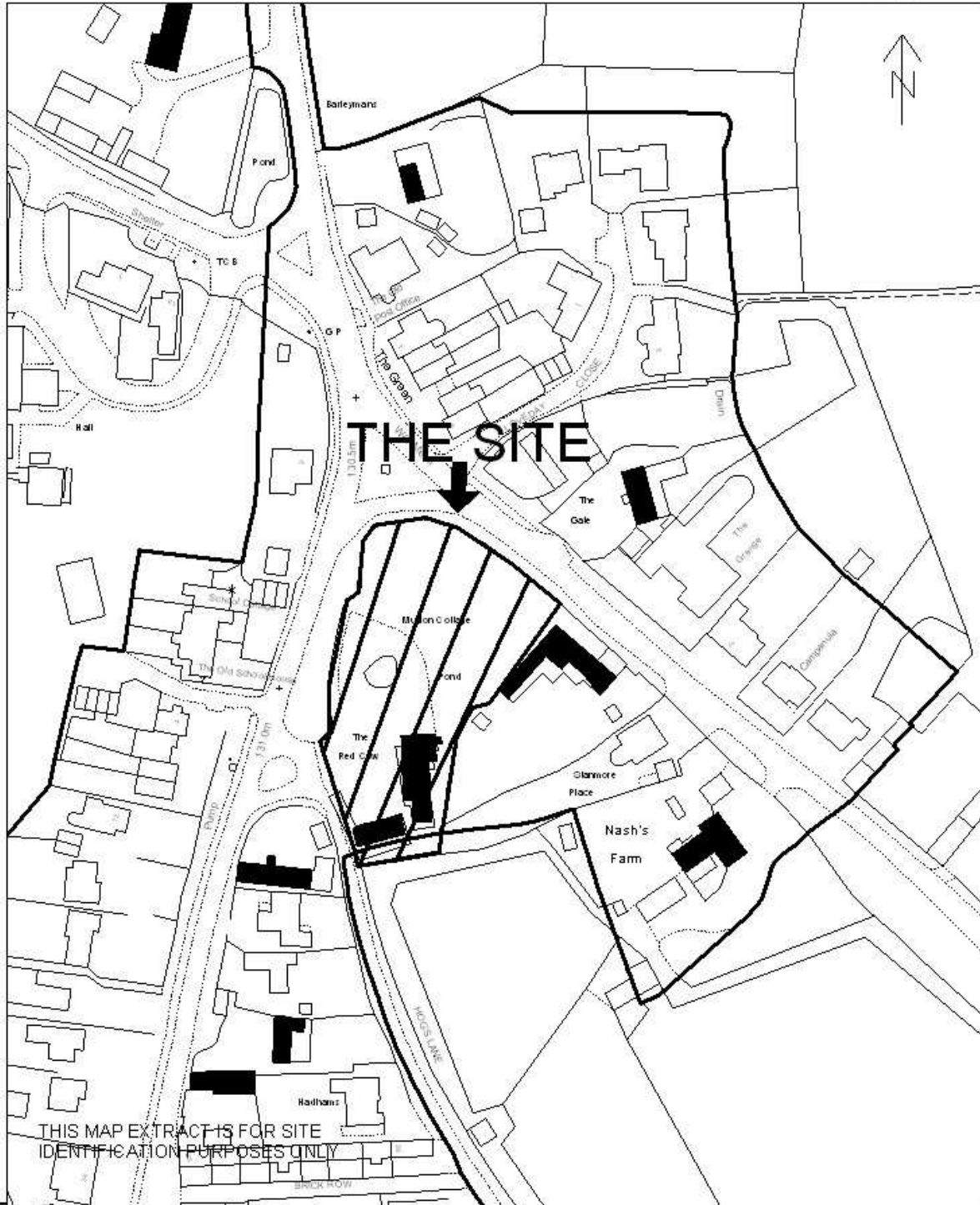
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

Before the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

The existing vehicular access shall be reduced in width for pedestrian use only to the satisfaction of the Local Planning Authority, immediately the proposed new access is brought into use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.



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