

UTTLESFORD DISTRICT COUNCIL
PLANNING COMMITTEE
SUPPLEMENTARY LIST OF REPRESENTATIONS

15 January 2014

P.9 UTT/13/2917/FUL – Land at Hailes Wood, Elsenham

1. Amendment to paragraph 8.9 – total education contribution should amount to £130,065.
2. Revised wording of the recommendation:

RECOMMENDATION – CONDITIONAL APPROVAL and S106 LEGAL OBLIGATION

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Financial contribution towards early years, childcare and primary education provision
- (ii) Financial contribution towards healthcare provision
- (iii) Provision of affordable housing
- (iv) Maintenance of public car park and play area
- (v) Provision of off-site highway works to improve the junction of Hailes Wood/High Street and the public right of way beside the Crown PH
- (vi) Pay the Council's reasonable costs
- (vii) Pay monitoring charge

(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation by 28th January 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:

- (i) Lack of education provision
- (ii) Lack of healthcare provision
- (iii) Lack of affordable housing provision
- (iv) Lack of provision of public car park and play area

(v) Lack of provision of off-site highway works to improve the junction of Hailes Wood/High Street and the public right of way beside the Crown PH

Additional condition proposed in response to ECC Highways comments:

8. Before the commencement of development, details of the proposed physical traffic enforcement measure at the entrance to the public car park from the Crown Public House shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be implemented in accordance with the approved details and the physical traffic enforcement measure shall be retained in the approved position thereafter.

REASON: In order to prevent an increase in traffic exiting the development via the Crown Public House access onto High Street in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

a. ECC Highways comments on revised plans:

I refer to your email dated 20 December 2013 detailing the submission of revised documents in respect of the above planning application which I have considered and have the following comments to make.

Layout Drawing No. HE-001 Rev E has addressed the layout amendments (b), (c) and (d) requested in my comments dated 7 November 2013 and are acceptable.

Wormald Burrows Partnership access Drawing No. E3018/28 Rev L addresses amendment (a) in my comments dated 7 November 2013 and also shows a one way physical traffic enforcement from the rear of the Crown PH car park into the proposed new public car park. This will prevent vehicles returning into the Crown PH car park to exit onto the High Street and addresses the issue raised in my email dated 20 November 2013. I would therefore request that this physical traffic enforcement measure be conditioned with details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority. The highway authority would also require this facility to be provided in perpetuity.

3. Parish Council:

Previous objections reiterated.

4. 38 further objections received. Period expired 10 January.

New comments made relate to:

- Concern that the proposals would result in Hailes Wood being one way and only being accessed through the Crown PH car park and the proposed development.
- Late amendments to the application should not be allowed.
- Proposed physical traffic enforcement measures for the proposed car park would result in more traffic exiting through Hailes Wood.

Any further comments received will be reported verbally at the Planning Committee Meeting.

5. Letter from Punch Taverns

In response to the letter received by Uttlesford DC from Sara and Tony Lockhurst in objection to the above planning application, we as the freehold owners of both the application site and the Crown PH, would comment on their objections as follows:

Sara and Tony Lockhurst are not our tenants of the Crown PH. They are managers employed by our tenants, Trish and Andy Cotter. They make a number of references throughout this letter claiming to have the status of tenant, this is incorrect and misleading.

Punch Taverns have over the course of the development proposals engaged with the tenants to ensure they were aware of the plans and potential benefits this would bring to their business. To date we believe that they have not submitted any objections to the Planning Department raising concerns over this planning application.

One point we would like to clarify is that the application site is outside of the pub tenancy and its development is not considered to create any detrimental effect upon the future trade of the pub. Punch Tavern's core business is to own and let out successful pub businesses and in any transaction concerning land which abuts one of our public houses, the consequences of development are carefully considered, as it is of paramount importance to ensure our core business is not compromised. As with many rural and village pubs today, trading conditions can be challenging and it is considered that any population growth in close proximity has to be a positive factor to ensure the future viability of businesses such as this.

At present, the letter states correctly, there is an informal agreement to allow parents to use the car park for drop off and pick up at the local school in Henham Road. Clearly, daytime events at the pub can limit the capacity of this car park and therefore this facility is not available to parents if the car park is full. The development proposal to make a new car park available for parent parking, accessible through the pub car park, will ensure that the pub is not effected other than cars passing through its car park to reach the new car park, this is largely no different in traffic movements terms to the arrangement that presently exists.

There will however be significant improvements:

- These cars will no longer exit from the pub car park thereby reducing traffic movements at the pub access. Exiting back to the pub car park will be physically prohibited to ensure that all cars have to exit through the new development.
- Pedestrian access to the school will be possible along an improved and widened footpath from the new car park along the western boundary of the pub to Henham Road. Pedestrian access will not be required through the car park, which will improve safety.
- Deliveries to the pub have always and will always limit the space available in the pub car park. The new car park will overcome this problem and ensure that space is always left clear for deliveries.

We can only see that this new arrangement will bring improved levels of safety by managing traffic movements and car parking in the most effective way for the benefit of the local community and minimise the disruption to the pub that has at times threatened the current informal arrangements.

The right of access being granted to the purchaser over the car park is to allow access to the new car park only. It is absolutely not envisaged that a 'rat run' to the new development will be created through the car parks. In the unlikely event that it may become apparent that this is happening, then controls will be put in place to ensure the right is enjoyed for the purpose intended.

The new car park will not be retained within Punch Taverns ownership and like the playground, ownership and future maintenance will pass to the purchaser of the

application site who will be free to either transfer ownership and/or management responsibilities to third parties.

Use of the playground by children also visiting the pub, will be under the control of the pub tenant. The playground will be outside of the licensed grounds of the pub and so customers would not be allowed to take alcoholic drinks to that area. Many pubs use plastic glasses for use in their own gardens for safety reasons and as the Crown PH already has a pleasant beer garden, we see no problems arising that cannot be controlled with appropriate measures as employed by many other pubs with outside drinking areas and adjacent car parks.

In the final paragraph of the letter it is claimed that Charles Church misrepresented Sara and Tony Lockhurst at the public consultation 'as supporting the application', when they identified themselves as the landlord and landlady 'they were at a loss to explain themselves'. This misunderstanding arose as the representative of Charles Church was aware that Punch's tenants in principle supported the application, but was unaware Sara and Tony Lockhurst were employed as the pub managers, and introducing themselves as the landlord and landlady, did not accurately clarify their true status.

All discussions had been between Punch Taverns, its representatives and the pub tenants, as is appropriate in these situations, it is then at the discretion of the tenant to determine how they wish to communicate with their employees.

We hope this response addresses the issues raised and set the objections in context.

P.30 UTT/2937/FUL –Land at 18A Cole End Lane, Swards End

REPRESENTATIONS: Two additional representations raising the following additional new points;

- Unsuitable access;
- No need for additional housing to be allocated in Swards End;
- Cole End Lane is 'Protected with Special Verges' and a single track road;
- Junction becoming dangerous due to additional traffic;
- Increasing number of such applications in Swards End;
- Impact on views of countryside