

UTT/ 14/2230/FUL (WHITE RODING)

(MAJOR)

PROPOSAL: Variation of Condition 10 of Planning Permission UTT/0678/12/FUL (the premises shall not be open to the public other than between the hours of 7.30 hours and 23.30 hours for no more than 80 days in one year) in order to allow opening hours between 7.30 hours and 00.30 hours except for overnight residents, and to allow events/functions to take place on no more than 180 days in one year.

LOCATION: Colville Hall, Chelmsford Road, White Roding

APPLICANT: Mrs Philippa Wisbey

AGENT: Mr. Philip Kratz

EXPIRY DATE: 24 October 2014

CASE OFFICER: Nigel Brown

1. NOTATION

- 1.1 The site lies outside of any defined Development Limits. Within the Metropolitan Green Belt. The application site includes Grade I, II & II* Listed Buildings and Ancient Monument. Tree Preservation Orders. Within Flood Plain 1, 2 & 3.

2. DESCRIPTION OF SITE

- 2.1 Colville Hall is located on the southern side of the A1060 between Hatfield Heath and White Roding in a rural location, surrounded by mostly arable farmland. Colville Hall, the main farmhouse, is a Grade II* listed building with Grade 1 listed barns, Grade II* and Grade II listed buildings the complex is surrounded by countryside with an access lane to the north leading to the A1060 past a pair of semi-detached cottages. The site has several trees that are subject to Tree Preservation Orders.

3. PROPOSAL

- 3.1 Planning permission was approved by this Committee on 25 July 2012 for

Change of use of 4 No. barns from agricultural to form a wedding venue. Demolition of lean-to extension and erection of single storey extension. Creation of new vehicular access and car park. Demolition of 3 No. outbuildings. Change of use of 1 no. barn from agricultural to D1 use

- 3.2 Permission was approved subject to a number of Conditions including

10. The premises shall not be open to the public other than between the hours 7.30 hours to 23.30 hours for no more than 80 days in one year.

- 3.3 The proposal is to vary Condition 10 to read:

Events/Function shall take place at the site no more than 180 days per year, of which no more than 140 will involve the use of amplified music. Except for overnight residents, persons attending events/functions as a visitor or guest shall only be on the site between 7.30 hours and 00.30 hours the following morning.

4. APPLICANT'S CASE

- 4.1 The applicant's agent has provided a Planning Supporting Statement a Noise Survey, and a Financial Business Plan. Summarising points being:
- 4.2 Colville Hall itself, the main farmhouse is a Grade II* listed building, with associated Grade listed barns and other Grade II* & Grade II listed buildings. The complex is a scheduled ancient monument dating back to the 13th Century. It has an access lane to the north leading to the A1060 past a pair of semi-detached cottages. The junction with the A1060 has been improved and an approved alternative access road has been constructed.
- 4.3 The Applicant purchased the Site relatively recently as her family home. The listed buildings had been unused and in neglect for many years, and the applicant was keen to bring these back into beneficial use, which would fund their restoration and thereafter sustain their preservation for the foreseeable future.
- 4.4 In that context, conditional planning permission was granted for the original permission on 31 August 2012.
- 4.5 Following the grant of the original permission, on taking further advice for a business plan to support the financing of the project it became apparent that the condition rendered the proposal unviable.
- 4.6 To put the current application proposal in the context of other wedding venues in the locality, none have such restrictive limitations on hours or days of opening.
- 4.7 Condition 10 therefore not only puts the site in an unfair position in a competitive market, the obvious impact on revenue-ostensibly making the proposal unviable- has the impact of deterring bank or other funder from financing the project at all, preventing the restoration or bringing these buildings into beneficial use.
- 4.8 The material considerations for this application are (1) the financial need for the variation and (2) neighbour impact., the relevant questions being (a) what the material difference in terms of impact between 23;30 and 00.30 hours and (b) the material difference in terms of impact between 80 and 180 days (of which only 140 days would involve amplified music)?

5. RELEVANT SITE HISTORY

- 5.1 UTT/0678/12/FUL, Change of use of 4 No. barns from agricultural to form a wedding venue. Demolition of lean-to extension and erection of single storey extension. Creation of new vehicular access and car park. Demolition of 3 No. Outbuildings. Change of use of 1 no. barn from agricultural to D1 use. Approved 31.8.12.
- 5.2 UTT/13/1365/FUL, Variation of Condition 10 to read: The premises shall not be open to the public other than between the hours of 7.30 hours to 00.30 hours(except for overnight residents) and to allow the approved use under planning application to take place no more than 180 days in any one year. Refused 16.8.13; Appeal dismissed 13.5.14.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S6 - Metropolitan Green Belt -

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Neighbourliness

Policy GEN5 – Light Pollution

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy E3 – Access to workplaces

Policy E4 – Farm Diversification – Alternative use of Farmland

Policy E5- Re-use of Rural Buildings

Policy ENV2 – Development affecting Listed Buildings

Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

Policy ENV14 – Contaminated Land

Policy LC5 – Bed and Breakfast Accommodation

Policy RS1- Access to Retailing and Services

7. PARISH COUNCIL COMMENTS

- 7.1 The earlier planning application UTT/0678/12/FUL Colville Hall was referred to the Planning Inspectorate. Condition 10 to the proposal was only 80 days per annum. An appeal to the Planning Inspectorate was dismissed.
- 7.2 The main reason for the dismissal being: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
- 7.3 With the planning application for the 80 days proposal having been refused the Parish Council fail to see why another fresh application, (that differs only in the number of venue days; a proposed increase from 80 days to 180 days) which would not be in the interest of GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) is being considered.
- 7.4 The applicants also caused a significant amount of stress amongst the local community when making the UTT/0678/12/FUL application for variation last year.
- 7.5 The fact that the variation was refused and another with over double the number of days per annum has now been applied for, shows a callous disregard for the local community who, if the application is successful will have to endure a major impact to the local community especially the environmental pollution aspect concerning noise and traffic.
- 7.6 The A1060, the main road through White Roding, will see a noticeable increase in traffic if this planning application is allowed and there are also grave concerns that the bend in the A1060, where the entrance and exit for vehicles using the Colville Hall

premises is situated, has such bad sight lines that an increase in road traffic accidents seems to be inevitable.

8. CONSULTATIONS

UDC Environmental Health

- 8.1 The supplementary report concludes that there will be no difference in noise impact from the proposed increase in permitted hours and no increase in noise impact from the increase in days from 80 to 180. This is correct when viewed in accordance with the proposed assessment criteria. However, it can be argued that with the proposed increased use, there is the potential for greater number of disturbances. That said, having read the original report accompanying the planning application ref 11026-002 Revision A, noise impact will be low and on this basis I have no objection to the proposal providing that the applicant adopts the noise mitigation measures as detailed within S.8 of the above mentioned report. It is therefore recommended that should consent be granted the following additional conditions should be applied to protect residential amenity.

English Heritage

- 8.2 Our specialist staff have considered the information and we do not wish to offer any comments on this occasion.

ECC Highways

- 8.3 The Highway Authority has no objections to this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

The improvements to the junction with Chelmsford Road A1060 have been implemented in accordance with the consent granted under UTT/0678/12/FUL following the submission of detailed drawings which were checked for compliance with the standard Essex County Council construction specification. The highway authority is satisfied that the proposed increase in days of operation from 80 to 180 will have no significant impact on the highway network in terms of highway safety and capacity.

9. REPRESENTATIONS

- 9.1 26 Letters received objecting to the application raising the following issues

- Noise
- Flood Risk
- Traffic/access
- Principle of Use
- Alternative uses for heritage assets
- Too many wedding venues.

10. APPRAISAL

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

- A Noise and Disturbance from extended hours/days (Local Plan Policies GEN4 & ENV11)
- B Traffic and Transport (Local Plan Policy GEN1)
- C Impact on Heritage Assets (Local Plan Policy ENV2 & ENV4 NPPF)

A Noise and Disturbance from extended hours/days (Local Plan Policies GEN4 & ENV11)

- 10.1 The principle of the change of use of the conversion of these important heritage assets has already been accepted by this Committee through Planning Permission UTT/0678/12/FUL dated 31 August 2012. By virtue of the required junction improvements having been completed the permission has been implemented and therefore remains extant.
- 10.2 The proposed variations request the extension of the approved activities for an additional hour from 23.30 to 00.30 with the increase in days from the approved 80 to 180 (with only 140 involving amplified music).
- 10.3 The applicant has submitted a revised noise survey indicating the proposed increase in activities for the additional hour. The submitted noise survey has confirmed to the Council's Environmental Health Officer that the additional hour's operation would have no effect upon the noise levels from the premises. Although satisfied that the approved development with the existing noise controls would result in no harm to the residential amenities of nearby properties he has requested further conditions to ensure that there would no impact upon residential amenity.
- 10.4 Within the previous dismissed appeal (UTT/13/1365/FUL) the Inspector raised concerns over the quality of the previously submitted noise survey. In dismissing the appeal the Inspector was not satisfied that the evidence submitted at that appeal appropriately addressed the issue over noise. The current re-submission does that.
- 10.5 It is therefore concluded that the submitted noise survey and suggested mitigation measures (secured by additional conditions), appropriately protects the amenities of nearby residents, and that an objection on these grounds cannot be sustained.
- 10.6 It should also be highlighted that the proposed access to the facility would be by way of a new alternative access from the main junction that would move service and guest traffic further to the east from residential properties, so there would be little if any disturbance from guests leaving by motor vehicle late at night.
- 10.7 In light of the fact that the applicant has now demonstrated that there would be potentially no impacts on the amenities of nearby residents, it is questionable whether a restriction in days is considered appropriate. A restriction in the number of activities is more appropriate when considering noisy activities (such as motorsport), where there is an accepted detrimental impact on amenity and a restriction in days is necessary to provide respite. This is not the case here. On this basis, it is questionable whether any restriction in days is considered a reasonable and necessary condition under guidance within the NPPG. However, throughout, the applicant has volunteered a restriction in days.
- 10.8 The applicant has provided a financial submission to demonstrate the lack of viability of a restriction of 80 days. The lack of viability of 80 days has been accepted by the Council's advisor on the basis of the submission. The Council's advisor has also accepted that it would be a challenge on the basis of the suggested days. However, the Local Planning Authority must accept the applicant's confidence on this matter, based

upon her own finance arrangements which are not for this Council to consider. It is therefore accepted that an increase to 180 days (with the restriction to 140 with amplified music) is considered acceptable to allow this reuse of important heritage assets to progress.

B Traffic and Transport (Local Plan Policy GEN1)

10.9 The Local Highway Authority has no objections to this proposal. The requirements of the 2012 planning permission were for the junction on the A1060 to be improved. This has been completed to the satisfaction of the Local Highway Authority. There is no evidence that the increased in hours or days of activity will result in any detriment to highway safety.

C Impact on Heritage Assets (Local Plan Policy ENV2 & ENV4)

10.10 It should not be lost that the approval of this principle of this use in 2012 was with the primary aim of bringing these important heritage assets into use including public access. This use was supported strongly by the English Heritage and the Council's Conservation Officer.

10.11 The Council's Conservation Officer is content with the additional requirement suggested by the Environmental Health Officer, none of which will prejudice these important heritage assets.

11 CONCLUSION

11.1 The applicant has revised the noise survey previously rejected by the Planning Inspector under Planning Reference UTT/13/1365/FUL and has demonstrated that the increase in the additional hour would not cause additional noise disturbance to nearby residents. This submission, coupled with additional conditions recommended by the Environmental Health Officer, has resulted in development that would cause no harm to the amenity of residents. As such the increase by a further hour is considered acceptable to officers.

11.2 In the absence of any amenity issues from the use of the building through appropriate conditions and the location of the new access further to the east it is questionable whether any restriction on days is considered appropriate and in accordance with the NPPG in terms of use of conditions (i.e. reasonable and necessary), however in light of the fact that the applicant has volunteered a restriction in days it is considered that the increase from 80 to 180 (with no more than 140 with amplified music), is considered appropriate. The proposal is clearly not viable with 80 days and to extend it to 180 with the inclusion of other non-party type events (such as corporate events and conferences) it is considered clearly that the proposal is more viable to allow the reuse of these heritage assets.

12. RECOMMENDATION APPROVAL SUBJECT TO CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 2 The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6029/DOC approved 10.1.13

REASON: To comply with policy ENV4 of the Uttlesford Adopted Local Plan 2005.

- 3 The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).

4. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/13/2361/DOC dated 1.11.13

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

5. Demolition or construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

6. No deliveries shall be taken at or despatched from the site outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

7. Events/Function shall take place at the site no more than 180 days per year, of which no more than 140 will involve the use of amplified music. Except for overnight residents, persons attending events/functions as a visitor or guest shall only be on the site between 7.30 hours and 00.30 hours the following morning.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

8. All hard and soft works shall be carried out in accordance with the full implementation of the recommendations as set out in Arboricultural Impact Assessment.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Uttlesford Local Plan Policy GEN7.

9. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/13/1749/DOC dated 18.10.13.

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 in accordance with Uttlesford Local Plan 2005 policy ENV2.

10. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6040/DOC dated 12.4.13.

REASON: To ensure a higher quality of development which is compatible with the character and amenity of its surroundings in accordance with Uttlesford Local Plan ENV2?

13. No more than 150 people shall attend any function at one time.

REASON: In order to safeguard the amenities of local residents in accordance with Uttlesford Local Plan policies GEN2 and GEN4.

14. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6043/DOC dated 10.1.13.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Uttlesford Local Plan policy GEN7.

15. The proposed mitigation and other recommendations and enhancements within the ecological reports submitted with the application must be undertaken prior to occupation of the development. In addition the following mitigation is required :

- Foraging areas for badgers should be maintained or new foraging areas created.
- Access between setts and foraging/watering areas should be maintained or new ones created.
- Development that isolates a badger territory by surrounding it with roads or housing should be avoided as this can often result in problems such as increased road traffic collisions and badger damage to gardens and houses.
- If main setts need to be demolished, an artificial badger sett can be created as close to the original sett as possible, however this should only be considered as an option as a last resort as natural setts are usually favoured over artificial ones.
- Fires and chemicals should not be used within a 20m radius of a sett.
- Trees should be felled so that they fall away from active setts and badger paths should be cleared of felled timber and scrub wherever possible.
- Disturbances, such as loud noise or vibrations, that might agitate badgers occupying a sett should be avoided or limited to areas well away from the sett.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Uttlesford Local Plan GEN7.

16. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the character of the area in accordance with Uttlesford Local Plan S8

17. All flood risk management measures identified in the approved Flood Risk Assessment shall be incorporated into the development prior to the occupation or first use of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development.

18. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6044/DOC dated 10.1.13.

REASON: In the interests of highway safety and efficiency.

19. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6045/DOC dated 31.1.13

REASON: In the interests of highway safety and efficiency.

20. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/13/0301/DOC dated 19.4.13

REASON: In the interests of highway safety and efficiency.

21. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6046/DOC dated 5.2.13

REASON: In the interests of highway safety and efficiency.

22. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: in the interests of highway safety and that appropriate parking is provided.

23. The public's rights and ease of passage over public bridleway no. 10, White Roding shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy DM11 Public Rights of Way contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1

24. The development hereby permitted shall not be used until a scheme for a noise limiter and details of how it shall be operated and maintained is submitted to and agreed in writing by the local planning authority prior to the commencement of development.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4.

25. The use hereby permitted shall not commence until the glazing specification detail has been agreed and approved by the Local Planning Authority. The glazing specification as approved shall be fully fitted prior to the commencement of the approved use and not altered without prior approval. The windows shall remain closed during the playing of amplified music.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4

26. The rating level of plant, machinery or equipment when assessed in accordance with the provisions of BS4142:2014 shall not exceed a level of 5dBA below the existing background level of 28dB LA90 (1hr) at a point 1 meter from façade of the nearest noise sensitive properties

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4

27. The use hereby permitted shall not commence until an acoustic door lobby has been fitted to the entrance to the Mill Pond Barn to the satisfaction of the Local Planning Authority.

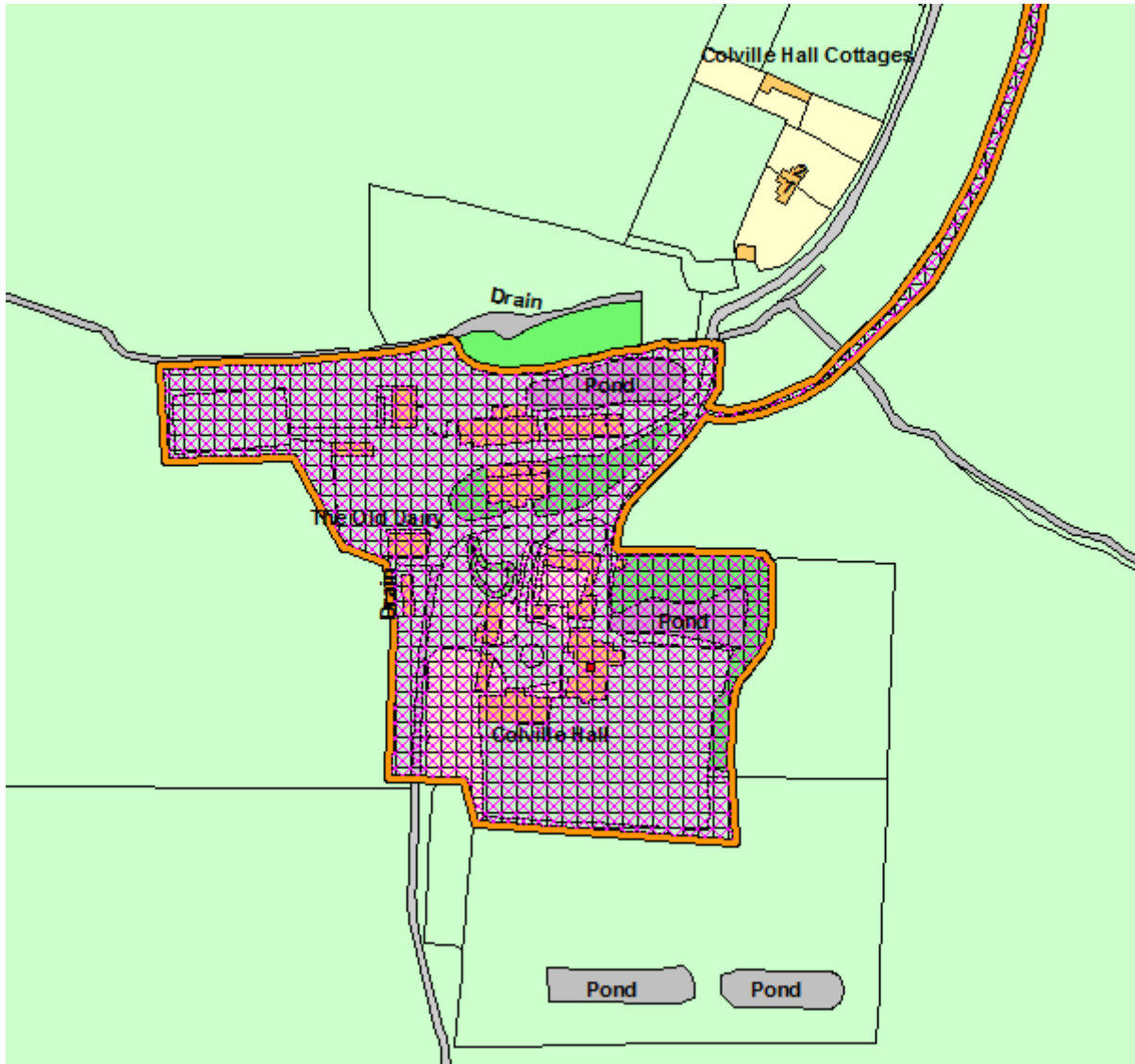
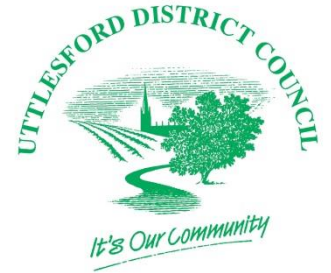
REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4.

28. The above scheme and sound reduction performance has been based on a sealed building, with all doors, windows and openings closed. It is recommended that an alternative ventilation strategy should be proposed to allow adequate ventilation to take place whilst at the same time preventing noise break out.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4

Application no.: UTT/14/2230/FUL

Address: Colville Hall, Chelmsford Road, White Roding, Dunmow



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