

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th April 2005
AUTHOR/S: Director of Development Services

S/0285/05/F- Horningsea

Erection of Fencing for Terrace and Bin Enclosure Area (Retrospective), The Crown and Punchbowl Public House for Ross Thain & Co

Recommendation: Refusal
Date for Determination: 12th April 2005

Conservation Area

Site and Proposal

1. The Crown and Punchbowl is a Grade II Listed Building sited in the heart of the village, within the Horningsea Conservation Area. The Listed Building is a C17 timber framed structure that is rendered. An attached two storey Victorian style cottage is sited to the rear of the main building. A small glazed extension has been affixed to this cottage. Both these structures form part of the Listed Building.
2. Access is provided from the High Street into a recently redesigned and extended car parking area. A limited number of car parking spaces are also provided to the front of the public house. The drive and parking area are laid in gravel. A small patio area is provided around the conservatory, sited to the rear, while an area of landscaping lines the southern boundary of the site shared with the adjacent property, Hollytree House.
3. The application, received 15th February 2005, seeks to retain:
 - (a) A 1.2 metre high curved area of fencing which has been erected around the patio area sited adjacent to the access drive. This fence is in filled with trellising and provides a barrier between the external sitting area and access road. A 2 metre gap provides access to the car park; and
 - (b) An additional area of fencing has also been erected adjacent to a brick and pantile double garage, located adjacent to the southern boundary of the site. The 4 standard 1.8 metre high close-boarded timber fence panels and lockable gates provide a means of enclosure to the bin storage area. A similar close-boarded fence runs along the length of the southern boundary, (lined in places by hedging). A small gap to the rear of bin enclosure has been left to provide pedestrian access into the storage area. The main access would appear to remain via the double gates.

Planning History

4. The application site has an extensive planning history. Those applications considered relevant to this application are summarised below.
5. In 1989 permission was granted for the erection of a brick and clay pantile double garage, reference **S/2301/89/F**. The garage is sited adjacent to the southern boundary of the site.
6. Planning permission was granted in 1992, reference **S/1067/92/F**, for alterations and extensions to provide guest bedrooms and facilities. As part of this application a glazed loggia was approved, (the glazed structure sited adjacent to the patio area)
7. Planning permission was granted in 2004 for the alteration and extension of the car park, reference **S/1216/04/F**. An earlier application for the same works was withdrawn prior to a decision being issued, ref **S/0816/04/F**.

Planning Policy

8. **Policy EN28 ‘Development within the Curtilage or Setting of a Listed Building’** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) sets out the criteria against which development within the curtilage of a Listed Building should be assessed.
9. **Policy EN30 ‘Development in Conservation Areas’** of the Local Plan states that development within the Conservation Area will be expected to preserve and enhance the special character and appearance of the area.
10. **Policy P7/6 ‘Historic Built Environment’** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) requires Local Planning Authorities to protect and enhance the quality and distinctiveness of the historic built environment.
11. **Policy P1/3 ‘Sustainable Design in Built Development’** of the Structure Plan. This Policy stresses the need for a high standard of design and sense of place which responds to the local character of the built environment.
12. **Policy P7/8 ‘Safe and Healthy Air, Land and Water’** of the Structure Plan states, (in part) that new development will be located and designed to minimise and where possible avoid air pollution.

Consultations

13. **Horningsea Parish Council** - Refuse, “We sympathise with the residents of Hollytree House and urge The Crown and Punchbowl owners to site their bin store elsewhere on their plot so as not to inconvenience neighbours.
14. **Chief Environmental Health Officer** - stated in writing that there are no significant impacts from an Environmental Health standpoint.

Following discussions with Officers and receiving a letter of objection from the adjacent neighbour, more detailed comments are awaited. These will be reported verbally to the Committee.

15. **Conservation Manager - Refusal**

1. *The Bin storage area*

This is very poor quality solution to screening the bins. This enclosure is sited adjacent to a brick and pantile structure which could be extended

2. *Trellis fence*

Whilst not a solid screen, this enclosure of the patio area has a significant affect on the setting of the Listed Building.

Neither fence is considered to preserve or enhance the character of the locality.

Representations - Applicant

16. The applicant has submitted a long letter in support of this application. It is stated that the low trellis fence is required to delineate the terrace area from the access/car park, to provide a safer environment for patrons. Whilst a picket fence was considered, a smooth topped fence was thought to be more desirable.

17. With regards to the bin enclosure it is stated that the bin storage area is sited here to minimise the distance service vehicles have to reverse. A fence of this height has been chosen to provide an adequate visual screen whilst ensuring all bins/rubbish is fully contained.

18. It is stated that the bins are emptied twice a week and all rubbish is stored within air tight bins.

Representations - Neighbours

19. 1 letter of objection has been received from Hollytree House objecting to the siting of the bin storage area. It is stated that the bins are highly visible, while the smell and risk of vermin prevent the patio doors, sited adjacent to the enclosure, from being opened. This letter has been forwarded to the Chief Environmental Health Officer for comment.

Planning Comments - Key Issues

20. The main issues to consider in this application are the impact of the fencing on the setting of the Listed Building and character and appearance of the Conservation Area and the affect of the siting of the bin enclosure on the residential amenity of the adjacent property.

21. ***Setting of the Listed Building and Character and appearance of the Conservation Area***

Trellis fencing surrounding patio area

22. Whilst relatively low, the design of the fence is considered fussy and overly complicated. The Historic Building Officer has stated that the decorative nature of the fence draws the eye and becomes the focal point to this elevation, rather than the building complex itself. This means of enclosure therefore fails to preserve or enhance the well-being and attractiveness of the Listed Building.
23. Whilst I acknowledge the applicant's wish to delineate the sitting area and access road, the erection of a means of enclosure around the patio area has the effect of compartmentalising the site, interfering with the relationship between the Listed Building and the land surrounding it. The erection of any significant means of enclosure around the patio is therefore not considered acceptable. If the relationship of the access drive and patio area is a concern to the applicant, these two areas could be delineated in a more sympathetic manner.
24. Members should note that whilst the Parish Council has objected to this application, no concerns were raised in relation to this area of fencing.
25. ***Bin store enclosure***
The fencing and double gates erected around the bin storage area are standard fencing panels common to residential gardens and estates. Whilst as built, these fence panels provide a valuable screen to the bins, this means of enclosure is not appropriate to a Listed Building.
26. Unfortunately, a similar form of fencing runs along the southern boundary of the site. Whilst this fencing has not been the subject of a planning application, it is the understanding of Officers that this fencing has been present on site for a considerable length of time. This fence however, is in part, lined with hedging. The remaining sections are also reasonably well screened by planting and do not abut the access road. This area of fencing does not form such a prominent feature when viewed from within the site.

The bin storage area is sited directly adjacent to a brick and pantile double garage. If the siting of the bin enclosure is considered acceptable, (discussed in more detail below) the Historic Buildings Officer has advised that an extension to the garage would provide a more sympathetic means of enclosure. It is advised that a roofless brick structure with close-boarded side hung doors, as existing, would be the preferred option.

27. Whilst each element of fencing is not visible from within the High Street, the site is located within the Conservation Area where design standards apply to both public and private spaces. A high standard of design must be adopted for all development within the Conservation Area in order to preserve and enhance the character and appearance of the area. Both forms of fencing are considered harmful

Residential Amenity of the adjacent dwelling.

28. Hollytree House is a chalet style bungalow, the north facing flank wall of which is sited within 2 metres of the boundary shared with the Crown and Punchbowl. The dwelling is set back from the road and is sited directly adjacent to the garage and bin enclosure. Two pairs of patio doors serving a dining room and living

area face the bin area. The owner of this property has raised objections to the smell and visual impact of siting the bins in this location. Reference is also made to rats being seen in the area although there is no evidence confirming that these originate from the bin storage area.

29. Whilst the storage of bins does not require planning permission, their current location is not considered very neighbourly. There is a requirement for the bins to be sited within close proximity of their collection point to avoid service vehicles having to reverse. The Councils Design Guide for the storage of solid waste states that any storage area for containers of up to 240 litres should be sited within 30 metres of the waste collection point, (normally the edge of the property nearest the point of access). The bin storage facility is already sited approximately 40 metres from the site frontage and there is very little, if any potential to house an enclosure any closer to the street. Whilst this maybe the only suitable location for the storage of bins a means of enclosure appropriate to the location needs to be secured.
30. The neighbour has commented on the general state of the bin storage area. Whilst the bins maybe air tight, photos have been submitted showing bin bags heaped out of the top of the bins. Whilst I acknowledge that this is a commercial kitchen where high levels of waste are generated, giving the difficulties associated with the storing of waste, the siting of an open bin storage area in this location is not be considered acceptable.
31. Whilst the Chief Environmental Health Officer has raised no objections, further investigations are to be carried out. Any additional comments will be reported verbally to the Committee.

The Parish Council has objected to the siting of the bin enclosure.

Other Issues

32. As this a retrospective application, Members must consider the details of any enforcement action. While consent is required for the erection of the fencing, the siting of bins does not require planning permission. It is not in anyone's interest to insist that the fencing is removed and the bins left on public display. Whilst this is a consideration to this planning application, this, in the opinion of Officers does not justify granting consent for what is considered to be an inappropriate means of enclosure.
33. I would recommend that, if enforcement action to remove the fencing is agreed by Members, the period for compliance should reflect the need to agree a revised means of enclosure, the details of which will have regard to the comments of the Historic Building Officer and Chief Environmental Health Officer.

Recommendation

34. Refusal and issuing of enforcement notices for the removal of both areas of fencing.

Reasons for Refusal

- 1) The low level fencing erected around the patio area has the effect of compartmentalising the site, interfering with the relationship between the Listed Building and the land surrounding it. Whilst each fence panel is filled with trellising, the decorative nature of the fence draws the eye and becomes the focal point to this elevation rather than the building complex itself.

Similarly the standard horizontal close boarded fence panels that provide screening to the bin storage area, sited in this prominent location adjacent to the access road to the car park, provides a very poor and visually unsympathetic means of enclosure. Whilst other such fencing is present within the site, greater screening is provided and its location is not so prominent.

Both elements of fencing, due to their height, design, materials and siting, form a visually prominent feature within the grounds of this Grade II Listed Building, to the detriment of the attractiveness of the protected structure and visual relationship enjoyed between the building and its natural landscape surrounding. Such forms of fencing are also, due to the harmful affect caused, considered to have a detrimental impact on the character and appearance of the Conservation Area.

The proposed development is therefore considered contrary to Policies P7/6 and P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies EN28 and EN30 of the South Cambridgeshire Local Plan 2004.

- 2) The bin storage area is sited directly adjacent to the flank wall of the adjacent property, Hollytree House. Two pairs of patio doors are sited within this elevation. These openings serve a dining room and living area and face directly towards the bin enclosure, (located approximately 2 metres away from the fence). The siting of a bin enclosure in this location will, by reason of unpleasant smells, detrimentally affect the residential amenities of the adjacent property, Hollytree House

The proposed development is therefore considered contrary to Policies P1/3 and P7/8 of the Cambridgeshire and Peterborough Structure Plan 2003.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/2301/89/F, S/1067/92/F, S/1216/04/F, S/0816/04/F and S/0285/05/F

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