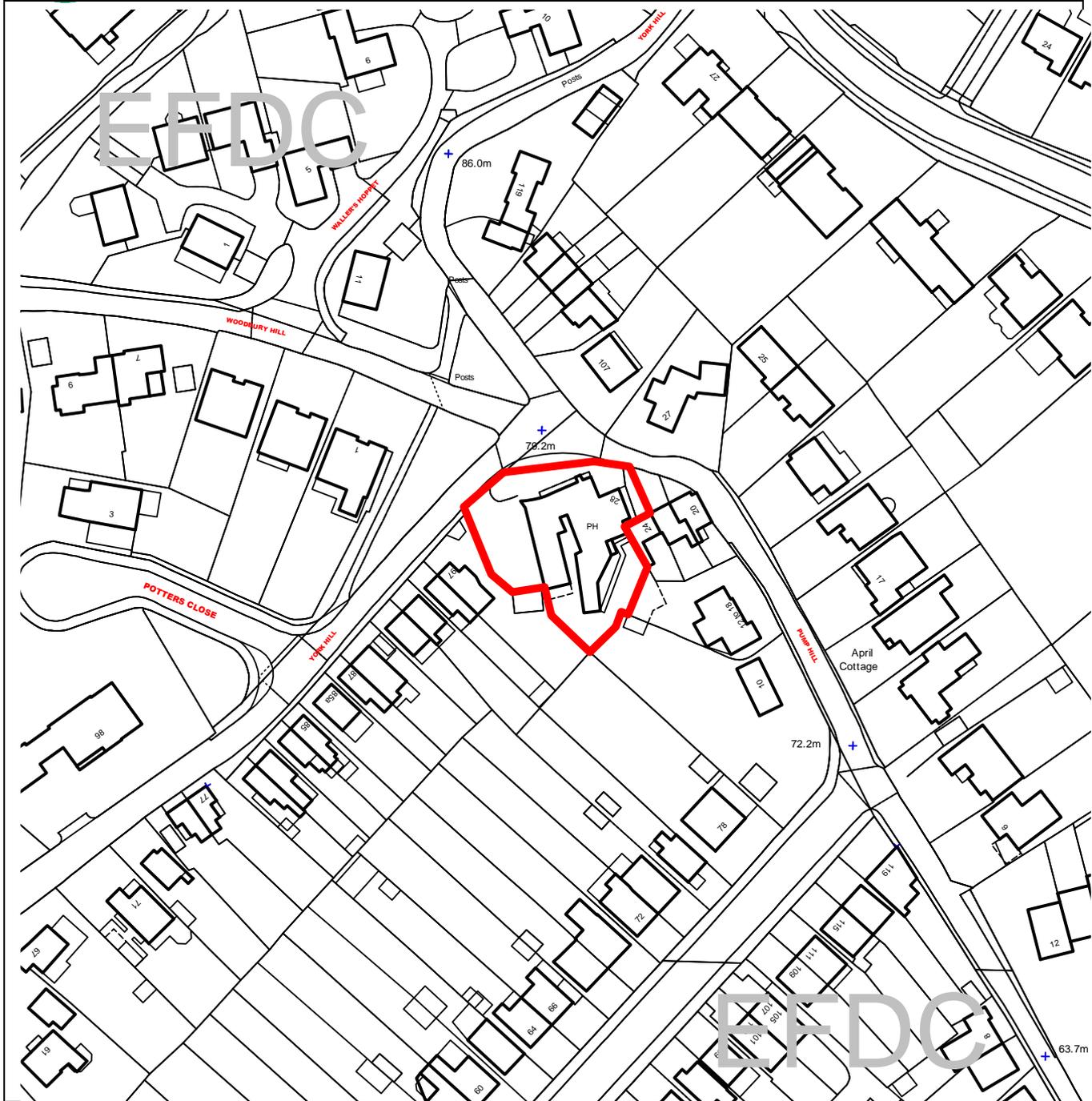




Epping Forest District Council



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Application Number:	EPF/2197/21
Site Name:	The Gardeners Arms 103 York Hill Loughton IG10 7RX
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/2197/21
SITE ADDRESS:	The Gardeners Arms 103 York Hill Loughton IG10 7RX
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Joseph Weeks
DESCRIPTION OF PROPOSAL:	Grade II Listed Building application for DJ booth (retrospective), proposed repairs and re-glazing of windows and doors to 14mm double glazed panes, repair and paint, proposed insulation of building including cladding repair and paint.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656194

CONDITIONS

- 1 The works authorised by this consent shall begin no later than the expiration of three years from the date of this consent.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

001, 002, 003 rev 1, 004 rev 1, 005 rev 1, 006 rev 1, 007 rev 1, 008 rev 1, 009 rev 1, 010 rev 1, 011 rev 1, 012, 013 rev 1, Structural Site Inspection Report by KYA Structures dated 7 September 2020, Planning, Design and Heritage Statement.
- 3 The external timber cladding shall be repaired following a like-for-like approach, same materials and finishes. The cladding shall be featheredged and black stained.
- 4 Full details of the upgrading required to meet the building regulations, including thermal insulation, shall be agreed in writing with the LPA prior to the commencement of any works.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site comprises a part single part two storey building which is currently being used as a Public House with ancillary residential accommodation.

The Gardeners Arms is a grade II listed building and dates from the late 17th century, prior to being public house the property was a cottage of timber-frame construction which is retained in the public bar area of the property. The building was extended in in the 19th and 20th centuries. The site falls within the York Hill Conservation Area.

An article 4 direction has been imposed on this Conservation Area which has removed certain permitted development rights and as a result planning permission is required for the following works:-

- provide hardstanding to gardens fronting the highway;
- the erection of alteration of gates, fences walls or other means of enclosure fronting the highway or open space; and
- the demolition of any gate, wall or other means of enclosure fronting a highway or open space.

The site is located on the southern side of the junction of York Hill as it meets Pump Hill and Woodbury Hill. It occupies an elevated position in comparison with neighbouring properties.

It is surrounded by residential properties on all its boundaries (except the front).

Description of Proposal:

Listed Building Consent is being sought for a DJ booth (retrospective) which is attached to a wall of the function room of the host building, proposed repairs and re-glazing of windows and doors to 14mm double glazed panes, repair and paint, proposed insulation of building including cladding repair and paint.

Relevant History:

Reference	Description	Decision
LB/EPF/2028/21	LBC New fencing, including hedge removal (retrospective), provision of patio (retrospective) and proposed refurbishment of veranda around outbuilding.	Refuse permission
EPF/2196/21	PP New fencing, including hedge removal (retrospective), provision of patio (retrospective) and proposed refurbishment of veranda around outbuilding.	Refuse permission
EPF/2746/15	Retrospective Grade II Listed Building application for proposed 2 defective modern doors installation of hand railing to internal stairs	Grant Permission
EPF/1282/83	Construction of lavatory accommodation	Grant Permission (with Conditions)
EPF/0907/83	Extensions and alterations to Public House and adjoining property and restriction on use of function rooms	Refuse Permission
EPF/0234/83	Change of use from residential to public house use, and erection of extension and	Refuse Permission /

	alterations to existing public house	Appeal Dismissed
CHI/0349/73	28 Pump Hill – Carport	Refuse Permission
CHI/0053/68	New urinal	Grant Permission
A/CHI/0027/68	Additional illuminated sign	Refuse Permission
CHI/0010/67	Alterations and additions	Grant Permission
CHI/0189/66	Transformer chamber	Grant Permission
CHI/0166/65	Car Park	Grant Permission
CHI/0005/48	New urinal	Refuse Permission

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

HC6	Character, Appearance and setting of Conservation Area
HC7	Development within Conservation Areas
HC10	Works to a listed building

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may 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 the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Currently consultation is being carried out on the Main Modifications. It is therefore at an advanced stage of preparation.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
DM7 - Heritage Assets	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Yes

Site notice posted: Yes

Responses received as follows: -

91 YORK HILL, 95 YORK HILL, 97 YORK HILL, 103 YORK HILL, 107 YORK HILL, 109 YORK HILL, 4 WALLERS HOPPET, 5 WALLERS HOPPET, 7 WALLERS HOPPET, 10 PUMP HILL, 12-18 PUMP HILL, 15a PUMP HILL, 17 PUMP HILL, 22 PUMP HILL, 24 PUMP HILL, 27 PUMP HILL, 50 QUEENS ROAD, 78 QUEENS ROAD, DRYADS HALL, WOODBURY HILL, 5 WOODBURY HILL, OBJECT

Since many of the objections relate to all three recent applications, below are a summary or direct references to comments made specifically regarding this proposal or those relevant to this application.

- Retrospective application; the applicant proceeded to start the work at the area behind the pub, without seeking the necessary approval, by chopping down trees and hedges, fencing was erected, and the patio was laid in a Conservation Area.
- Harm to the special significance of the building with historic interest and is detrimental to the character of the Conservation Area.

The application seeks to suggest that the Council should only consider the proposal in the tight confines of the impact of the DJ booth on the structure of the listed building. However it is clear that the intention is to create a facility in the function room so that it can operate as a night club. The building is of timber frame, with single leaf timber planked walls, providing no sound insulation. Although I note the proposals include some insulation and reglazing, the level of noise suppression these measures will introduce will at best be modest, and will be completely irrelevant at warmer times of the year when the venue will operate with doors and windows open, to give access to the proposed veranda to the rear.

A raised high 6' DJ Booth would be perhaps more appropriate in a 'music venue' rather than a community pub. The room, together with the proposed double doors and large balcony overlooks residential properties. The noise pollution would extend further, together with environmental issues and increased traffic in a 'peaceful residential area'

Not in keeping with the rural character of the area

Proposals would result in further intensification of the issues residents at the top of York Hill and Pump Hill are experiencing by way of more noise nuisance, more antisocial behaviour e.g. being verbally abused, urinating in our hedges, being sick on our cars, and a continued and intensified loss of amenity such as the ability to park anywhere near our houses.

As well as intensifying the issues for residents at the top of York Hill and Pump Hill, if the development planning applications were to be approved, the effects would impact residents at the lower sections of York Hill and Pump Hill as well as residents in Queens Road.

It would be wholly wrong to grant the applications when the authorities, including the council are repeatedly having to deal with noise and antisocial behaviour generated by the pub.

The Council's environmental team are fully aware of the situation and are in possession of a considerable amount of evidence that they have gathered firsthand and have received from residents.

No fire exit provided, and pub is not accessible to people who need to use a wheelchair.

Adding further capacity to this establishment would disrupt traffic additionally. As it stands, on busy days it's hard to get through the road, it creates a bottle neck on Pump Hill, before you turn to the pub, and also opposite the pub, where you get taxis and cars double parked or badly parked cars which make it a challenge to access your own homes in Pump Hill and Woodbury Hill.

Needs to be accompanied by a traffic assessment because there is nowhere for additional cars to park.

The applicant's Planning Appraisal refers to the need for 'flexible spaces' and to meet the demand for 'outside spaces' serving to confirm there has been/will be a change in the definable character of the use on the site serve to show the materiality of that proposed change and for the need for a new and separate planning application to be made.

The existing function room has been seen advertised as a 'secret garden cocktail bar' on local social media sites. The advert indicates that it will no longer be a function room for occasional use and be used as a full-time bar instead causing more disruption and antisocial behaviour.

PARISH COUNCIL: The Committee OBJECTED to this application stating the raised DJ booth by reason of its size, shape and materials would have a detrimental impact on the planform of the room and the special interest of the listed building. The harm was substantial and there were no

public benefits to offset the harm. Members requested it therefore be removed and the room restored to its original plan form.

The Committee requested a condition ensuring any replacement materials matched the existing in respect of any repair works, where the Council considers listed building consent was required.

Finally the Committee noted that the position of the Planning Notices in respect of these planning applications EPF/2028/21, EPF/2196/21 and EPF/2197/21 were not well presented and expressed concern as to why the proposals had not been submitted under one application.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP: OBJECTION: The raised DJ booth by reason of its size, shape and materials will have a detrimental impact on the plan form of the room and the special interest of the listed building. The harm is substantial and there are no public benefits to offset this harm. It should therefore be removed, and the room restored to its original planform.

Whilst genuine repair works do not normally require listed building consent, where the council considers listed building consent is needed, we suggest a condition ensuring any replacement materials match the existing.

THE HILLS AMENITY SOCIETY: OBJECTION: The Society's Committee shares the alarm of a great many residents in the area of the top of York Hill, Pump Hill, Woodbury Hill, Potters Close, Wallers Hoppet and Queens Road at the picture painted by the three planning applications noted above.

In fact in 50 years there has not been a topic which has so exercised public animosity.

The Hills Committee applauds the detailed objections to the three applications by Loughton Town Council and supports the comments made, deploring the need for the high percentage of retrospective applications for work already carried out and questioning why the many points covered - including removal of hedges, erection of fencing, replacement of windows, the DJ Booth, paving for use as a beer garden - were not submitted under a single application rather than three.

History

In the last few years Police have been called to the area around Gardeners' Arms at the top of York Hill many times with complaints about rowdiness, drinking and partying on the Green outside the pub and frequent evidence of substance abuse with canisters strewn on the road and grass. Crime Figures kept by the Police bare witness to the Gardeners Arms being the magnet for this kind of activity which residents fear will only increase with a DJ booth in full "blast" and space on a refurbished veranda and outside space behind the premises for drinking.

Environment

The Hills Committee, as with residents in the surrounding area, of course recognises that the Gardeners Arms has been in its location for longer than any of us and forms a most attractive feature at the top of York Hill. The committee also recognises the need for the pub to have a thriving business. However the Hills Committee wishes to object in the strongest terms to the nature of that business becoming completely unsuitable for its location in the middle of a densely packed residential area which "crowds" the site on all sides and the rights of residents who have purchased property in good faith to live in reasonable peace and safety not to be molested by or unreasonably disturbed by the activities associated with one business.

Heritage - and the DJ Booth

It is appreciated that material damage to the historic fabric of installation of the booth will not in itself be excessive. However, the effect on the setting and ambience of the heritage asset of its conversion into a night club will be extensive, and it will be deleterious to the amenity value of the Conservation Area, which it is the Council's duty to preserve and enhance.

Concerns expressed by residents

In a spontaneous display of concern some 25 residents expressed a wish to attend a meeting of the Hills Committee when the extent and nature of the work already carried out was recognised and planning notices were displayed for public view, albeit according to the Town Council "not well presented" and to others, "positioned to be unnoticeable". The residents who spoke at the meeting, moved from a private home to Loughton Bowls Club to accommodate this wishing to attend, unanimously spoke against the combined proposals for the Gardeners' Arms which they felt had to be against the common aim for residents and the pub to live side by side in an acceptable level of harmony.

Main Issues and Considerations:

Since this application relates solely to listed building consent for the proposed works, the only issue for consideration in this case is what affect the proposal will have on the special significance of the heritage assets on which the works are proposed. Whilst it is appreciated that local residents have wider concerns and objections to the works taking place on the site, this report focuses purely on the relevant heritage impacts of the scheme.

Impact on the listed Building and wider York Hill Conservation Area.

The Local Planning Authority has a legal duty under S66(1) and S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to

- (1) *have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which is possess; and*
- (2) *special regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.*

Paragraph 199 of the NPPF requires that: -

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF requires that: -

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Conservation Officer has reviewed the application, visited the site, and given due consideration to the submission and all objections received, and made the following comments: -

The Gardeners Arms is a grade II listed Public House located within the York Hill Conservation Area. Originally a cottage, built in the late 17th century, the building has been subsequently extended in the 19th and 20th century. The part of the building subject to this listed building consent application dates from the early 20th century. The inspection of the site (earlier this year) seems to corroborate the statement of significance produced to support this application, which considers this part of the listed building to be of low/moderate significance; the fabric (including the windows) being mainly 20th century with vernacular materials used at a rudimentary level of craftsmanship.

This application seeks listed building consent for the retention of a DJ booth, the repairs (including painting) and upgrading of the existing 20th century timber windows and doors, the internal insulation of the walls and the repairs (including painting) of the external timber cladding. The submission of this proposal follows pre-application advice where the principle of the retention of the booth and that of the internal and external repairs works was deemed to be acceptable.

The DJ booth

The booth consists in a lightweight structure, made in timber, tucked in the north east corner of the room and proposed to be fixed to the existing walls which, as previously expressed, are made with modern materials. The retention of this structure is found acceptable as it will not result in the loss of historic fabric or obscure any decorative elements. In addition, it is sensitively positioned, in a corner, and therefore will not alter the legibility of the room.

Repairs and upgrading of the existing 20th century timber windows and doors

The existing windows and doors are typical of a building of this period. Their retention and repairs are therefore fully supported. The thickness of the window frame profiles allows their upgrading with slim double-glazing units (14mm), in accordance to historic England guidance on traditional windows. The upgrading should improve greatly their acoustic and thermal performances.

The insulation of the walls

The proposed internal insulation of the walls does not raise concerns; however, no details were submitted as part of this application and will therefore be conditioned.

Repairs of the external timber cladding

The like-for-like repairs (materials and finishes) of the existing timber cladding are fully supported as it will ensure that the building remain weathertight. It will also greatly improve its external appearance.

In line with the above, we can give our SUPPORT to this scheme, as it would both preserve and enhance the special significance of the listed building and the character and appearance of the York Hill Conservation Area. This is subject to conditions.

This is supported by policies HC7, HC10 and HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 189, 190, 195, 197, 199, 200, 206 and 207 of the NPPF (2021).

A number of local residents, the Town Council, and local amenity groups have raised a number of other concerns, many of which have no relevance to the impacts on the heritage asset, and some of which are not material planning considerations at all, and therefore these matters are not material to this particular application.

One matter that has been raised by objectors is that the proposal will harm the character of the conservation area. 'Character' within the context of conservation areas relates to what is the

special architectural and historical interest of buildings or areas that have been designated. Since the function of the building as a public house will not change, it cannot be argued from an architectural or historical perspective that the character has changed.

Impact on neighbouring amenity

S16 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that decision makers when determining Listed Building Consent applications only have regard “to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” and to no other matters.

Whilst Planning Officers sympathise with neighbouring residents regarding the matters raised, concerns raised in relation to the impact of the proposal on highway safety and the amenity of neighbours fall outside of the scope of this application. Officers are aware that the Council's Environmental Health team are investigating the site and would be able to take action against any undue noise and disturbance. It is also understood that the sites Licence is currently under review, which would consider the various concerns raised by neighbours and, if allowed, would be able to impose restrictions and other mitigation measures.

Conclusion:

Whilst the submission claims that the DJ booth would assist to ‘retain a viable use in the building’, no evidence has been provided as to how a permanent DJ booth would significantly benefit the use of the public house, over and above the current situation and/or the use of temporary DJ equipment. As such, no weight is given to this matter and there is no ‘public benefit’ ascribed to this element of the proposal. Nonetheless, as determined by the Councils Conservation Officer, the DJ booth does not result in any harm to the historic significance of the heritage asset and as such this does not need to be outweighed by any public benefit.

Notwithstanding the above, there is recognised benefit in the repair works proposed since they would ensure the longevity of the building and would improve the acoustic and thermal performance of the windows. These matters do weigh in favour of the development.

Due to the above, the proposed DJ booth would not harm the historic fabric or obscure any decorative elements of the building and will not alter the legibility of the room. The proposed repair works will sustain and enhance the significance of this Grade II listed building and ensure the longevity of the heritage asset, which is a use that is consistent with the conservation of the application building. As such, Listed Building is recommended for approval, subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk