

COMMITTEE REPORT

ITEM 03

Reference:

1)17/00591/FUL
2)1700589/LBC

Site:

The Crown
High Street
Ingatestone
Essex
CM4 0AT

Ward:

Ingatestone, Fryerning
& Mounthnessing

Parish:

Ingatestone &
Fryerning

Proposal:

- 1) Variation of condition 2 (Development shall not be carried out except in complete accordance with approved drawings) of application 15/00851/FUL (Change of use of the host Listed Building to create 3 no. residential units, including the demolition and replacement of single storey side addition, fenestration alterations and the construction of two storey and single storey rear additions. Partial site clearance of single storey outbuilding. Construction of 3 no. two storey cottages. Refurbishment and extension of existing stable range bringing 67 High Street into commercial use and creating a single storey apartment. Construction of an open cart lodge, landscaping and associated works) to vary the condition 2 to replace reference to approved drawings 09B (Proposed Block Plan), 10B (Proposed Ground and First Floor Plans), 11B (Proposed Cellar and Second Floor Plans), 12B (Proposed Front and Side Elevations), 13B (Proposed Rear and Side Elevations) with the following 608_201_02 Proposed Elevations (2); 8608_202_02 - Proposed Elevations (1); 8608_203_02 - Proposed Ground Floor Plan; 8608_204_02 - Proposed First Floor Plan; 8608_205_02 - Proposed Attic Plan; 8608_401_01 - Proposed Block Plan.
- 2) Amendment to approved application 15/00852/LBC (Works to the Listed Building to enable the change of use of the host Listed Building to create 3 no. residential units, including the demolition and replacement of single storey side addition, fenestration alterations, internal alterations and the construction of two storey and single storey rear additions. Partial site clearance of single storey

outbuilding. Refurbishment and extension of existing stable range bringing 67 High Street into commercial use and creating a single storey apartment.) to allow amendments to internal alterations and extension to side elevation

Plan Number(s):

Heritage, Design & Access Statement/Revised;
201/03;202/03;203/03;204/03;205/03;401/02;401;201;202;203;204;

Applicant:

Mr Mark Eaton

Case Officer: Mr Nick Howard

1.0 DESCRIPTION OF PROPOSAL

Background:

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. The local planning authority may grant planning permission, either unconditionally or subject to such conditions they see fit; or refuse planning permission.

In this instance, a change to the original planning permission and listed building consent is sought retrospectively, because both the construction of the 3 cottages and former stable block and works to the listed building have already been carried out.

The applications therefore seek a variation of condition 2 of planning references 15/00851/FUL and 15/00852/LBC.

Condition 2 of those permissions states:

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

The works carried out are were completed in April 2017 and this application seeks approval for an alternative scheme to that permitted in 2015. A more complete description of the alterations to the approved drawings is outlined in the planning assessment of the report.

2.0 SITE DESCRIPTION

The site comprises The Crown which is a former public house dating from the 15th century. It's comprised of two storeys with a clay tile roof, is Grade II listed and occupies a prominent position within Ingatestone Conservation Area. To the north of the property is 67 High Street and to the rear is the grounds of the public house where three cottages have recently been constructed.

3.0 RELEVANT HISTORY

- 15/00851/FUL: Change of use of the host Listed Building to create 3 no. residential units, including the demolition and replacement of single storey side addition, fenestration alterations and the construction of two storey and single storey rear additions. Partial site clearance of single storey outbuilding. Construction of 3 no. two storey cottages. Refurbishment and extension of existing stable range bringing 67 High Street into commercial use and creating a single storey apartment. Construction of an open cart lodge, landscaping and associated works. -Application Permitted
- 17/00489/FUL/17/00483/LBC Alterations on 67 High Street which also appears on this committee agenda
- 17/00498/FUL Alterations to three cottages to rear which also appears on this committee agenda.

4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Historic Buildings And Conservation Officer-**

The HBO officer **objects** to the proposed alterations, the content of her report is contained within the assessment section of this report.

- **Parish Council**

Ingatestone & Fryerning Parish Council raise no objection to planning application 17/00591/FUL - The Crown, High Street, Ingatestone, CM4 0AT.

- **Highway Authority-**

No objections to make on the proposed variation of condition 2 of application 15/00851/FUL.

- **Historic England-**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

- **Highways England-**

No objection.

- **County Archaeologist-**

RE: 17/00591/FUL: Variation of condition 2 on 15/00851/FUL. | The Crown, High Street, Ingatestone Essex CM4 0AT

The Historic Environment advisor of Essex County Council has been consulted on the above planning application. While the original planning application (15/00851/FUL) has an archaeological Condition this variation on Condition 2 has no archaeological impact, therefore there is no requirement for any further archaeological investigation for this application.

- **Environmental Health & Enforcement Manager-**

17/00591/FUL

This service has no comment on the above proposal.

5.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

3 letters of representation have been received that can be summarised as follows:

The works have increased the occupancy of the site by 3 additional bedrooms in the cottages and one additional dwelling for which no car parking is provided, without increasing the current inadequate visitor parking.

Increase in already inadequate parking on site will result in further increase of the current parking abuse in nearby Post Office Road

The Chairman of the resident's association has verbally objected to the extent of the front step hinders movement along the pavement in front of the building.

Protest to the developers blatant disregard of due process and Council authority in relation to retrospective planning applications, if permitted would set a precedent for other developers.

6.0 POLICY CONTEXT

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: C15 & C17

NPPF Sections: Chapter 12 Conserving and Enhancing the Historic environment, paragraphs 132 and 133

Local Development Plan:

The Council's emerging Local Development Plan is currently at draft stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As a plan advances and objections are resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan will be a site-focused consultation (Regulation 18) later in 2017, followed by the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published early in 2018. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Planning Inspectorate finds the plan to be sound it is estimated that it could be adopted in late 2018 or early 2019.

7.0 ASSESSMENT

Background:

The applicant has listed a number of alterations carried out to the former public house which do not form part of the approved plans referred to in references 15/00851/FUL and 15/00852/LBC. At the outset the Council's planning officer and historic buildings officer have met the applicant's agent on site on two occasions, the second time with their conservation consultants.

The relevant policies within the Brentwood Replacement Local Plan to both applications are:

C15 Demolition, Alterations or Extensions

The demolition or partial demolition of a listed building will only be allowed in the most exceptional circumstances. alterations or extensions will only be permitted subject to the following criteria:

(i) the proposal does not detract from the character or setting of the listed building

(ii) the proposal is appropriate and sympathetic in terms of design, scale and materials

(iii) the plans submitted take into account the requirements of the fire officer, building control, environmental health and other legislation, in order that the full impact of the proposal may be considered

C17 Change of Use of a Listed Building

Changes of use of a part, or the whole of a listed building will only be permitted if it results in the character and features of special architectural or historical interest being preserved or enhanced. proposals should incorporate details of all the intended alterations to the building and its curtilage including detailed plans taking into account the requirements of the fire officer, building control, environmental health and other relevant legislation.

The Crown: At the eastern range (Ground Floor), the proposals contain the retention of a single storey lean-to element (in comparison to its removal in the extant application) this is supported in principle. However, the use of sash windows with deep reveals as per the applied fenestration is not supported upon this element of the building; the lean-to element is an ancillary form and the details should reflect its subservient nature.

This issue was discussed at the site meeting, however, whilst 'casements' are annotated on these revised plans, the elevations show these are 'as built' sashes. The reveals and cills are not typical details for this period of the building, the windows should be single glazed, hand painted and face puttied with no trickle vents or applied glazing bars. This comment regarding fenestration also applies to the first-floor windows at the eastern range.

Rainwater goods on the eastern range require rationalising as they currently discharge onto the roof of the single storey element, which in the long term could cause damage to the roof of the outshot.

The entrance door within the single storey element appears to be of composite timber with a double-glazed vision panel and is not appropriate to the context of the building.

Within the interior of this eastern range, the storey posts have been covered over, a doorway and frame, visible during the stages of the watching brief has also been covered. No details of this new internal skin have been submitted e.g. it's fixings etc. However, the main concern, notwithstanding this lack of detail, is that this approach has been replicated throughout the listed building. The 'covering up' of highly significant

elements of the timber frame has impacted negatively upon the character of the building overall, concealing the architectural interest of the listed building should not have been a carte blanche approach.

A critical aspect of this application is the lack of all the original internal doors, fixtures, skirtings and ironmongery. These features viewed on site are all new and consistent in profile. Whilst the removal of certain features was accepted (to be securely stored) during renovation works, such items are high contributors to the architectural interest of the listed building. The variations of their architectural periods facilitate the legibility of the buildings' evolution and as such they are integral to its nationally designated status. This comment also applies to panelling within the first floor (Applicants Note 28), which was accepted as being removed to facilitate a partition adjustment, but it should have been carefully reapplied or reused within that period of the building. This advice was given during the watching brief but ignored.

In respect of the new doors in the eastern range, on site it was stated that the justification for their removal was in respect of Building Regulations; e.g. implications in terms of means of escape Part B of the Building Regulations. Further to our site visit, the HBO has spoken with the Councils Buildings Inspector, whom has provided initial advice given in respect of fire strategy, however no evidence base to support this is contained within this application. Furthermore, this containment would not extend to, nor result in, all doors being lost in entirety.

The HBO understands the same fire strategy does not apply throughout the other two units. Furthermore, if the doors on the eastern range cannot be used in the lobbied area, then the applicant should be looking into where the original doors can be reused within the unit. The HBO also notes a second-floor cupboard door which is highly significant would not have the requirement to be removed in terms of compliance. This point in respect of historic fabric as with the previous point in terms of covering up all of the timber frame is the most harmful aspect of the works and is not acceptable.

Note 02 in the applicant's submission, indicates 'secondary glazing' on a window on the front elevation, however no details are contained within this application. Whilst secondary glazing can be accepted upon listed buildings, details and method of fixing are required alongside a justification. No justification has been provided.

Turning to the rear exterior of the listed building, the applicants note 15, proposes a new timber door with vision panel, as opposed to the full glazed door in place presently. The HBO considers this new timber door is accepted and the glazed door should be removed. The new door should not be of a composite material in the interest of the special architectural interest of the building, therefore details are required.

With regard to the western side elevation, alarm boxes and other paraphernalia are not accepted on this significant elevation of the listed building. The placement is harmful to the buildings character and architectural interest. These elements could have been incorporated within the servicing routes and not wired to the exterior of the building. This applies to the lighting on the listed building which the HBO advises should be reduced. There is an expanse of lanterns which detract from the simplicity of the medieval building, again lighting could have been incorporated into the scheme without being positioned onto the face of the listed building at all elevations.

The AstroTurf in the setting of the listed building is harmful and is not supported. A cohesive scheme for landscaping at the conditions stage was undertaken and should be adhered to in the interests of the setting of the listed building and the character and appearance of the Conservation Area.

The applicant has responded to state that the replacement casement windows to the eastern elevations are currently on order, the rainwater goods issue was a comment, the entrance door is in timber and considered appropriate, the historic features that have been covered up have been recorded and that it was necessary for selling the houses, the original doors would not meet fire regulations, the secondary glazing is not proposed, the alarm boxes have been removed and the electric boxes covered, each access door requires lighting for safety purposes and the astro turf will be replaced by grass.

In response the HBO accepts the timber single glazed casements, (with no trickle vents and without 'applied' glazing bars). She maintains the rainwater goods can be rationalised and the composite door could be improved.

In response to the Residents Association concerns regarding the front step the applicant intends (Note 04) to cut back the step which is accepted.

With regard to the issue of car parking, this has been raised in connection with the rear cottages. However overall within the site eight residential units are being created and seventeen car parking spaces are being provided. Therefore, the proposed car parking provision meets the Council parking standards.

8.0 CONCLUSION

Overall there has been an appropriate level of restorative works accompanied by recordings of significant timbers etc. Therefore, it is highly unfortunate the architectural interest and detail uncovered during these works has now been covered over, features removed to a point where the internal envelope appears lacking in character and architectural interest.

In terms of the removal of significant historic fabric and the unsympathetic approach to installing new internal doors/skirtings/fixtures etc, this constitutes a high level of irreversible harm.

The cumulative impact of the matters raised within this report are harmful to the character and setting of the listed building. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan.

Paragraph 132 of the National Planning Policy Framework sets out the methodology of considering the impact of the proposed development on the significance of a designated heritage asset. It states that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting. Officers consider the proposals in line with the alterations carried out have harmed the significance of the building and conclude that substantial harm has occurred. Therefore, the Framework states that substantial harm to a Grade II listed building should be exceptional.

Paragraph 133 of the Framework states that where a proposed development will lead to a substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The proposal would lead to the creation of three market dwellings which is considered to be of limited public benefit and would not outweigh the harm to the heritage asset.

9.0 RECOMMENDATION

1) The Full Application(17/00591/FUL) be REFUSED for the following reasons:-

1. The proposed alterations to the Grade II listed building has covered over areas of architectural interest and detail, removed significant historic fabric and installed unsympathetic features contributing to a cumulative impact resulting in substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 133 of the Framework indicates that where the proposed development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent, unless it is demonstrated that the harm is outweighed by substantial public benefits. The public benefits of providing three market dwellings are considered to be minor and would not outweigh the substantial harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.

2) The Listed Building Application (1700589/LBC) be REFUSED for the following reasons:-

1. The proposed alterations to the Grade II listed building has covered over areas of architectural interest and detail, removed significant historic fabric and installed unsympathetic features contributing to a cumulative impact resulting in substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 133 of the Framework indicates that where the proposed

development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent, unless it is demonstrated that the harm is outweighed by substantial public benefits. The public benefits of providing three market dwellings are considered to be minor and would not outweigh the substantial harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.

Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: C15 & C17; the National Planning Policy Framework 2012 and NPPG 2014.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.brentwood.gov.uk/planning