
F/YR20/0940/F

**Applicant: Mr David Johnson
Elmsport Limited**

**Agent: Mr Chris Walford
Peter Humphrey Associates Ltd**

Land West of The Sportsman, Main Road, Elm, Cambridgeshire

Change of use of land for use as public house car park involving the formation of hardstanding, new lighting and the siting of a storage container (part retrospective)

Officer recommendation: Refuse

Reason for Committee: Previously deferred by the Planning Committee for consideration of acoustic fencing.

1 EXECUTIVE SUMMARY

The application has previously been considered by the Planning Committee, which deferred the determination of the application to allow for details of an acoustic fence to be provided and considered.

The details of the acoustic fencing have been provided, and consultation undertaken in that regard.

Consideration is made in relation to the responses received, in particular those of the FDC Environmental Health Officer. The details provided are not considered to result in a sufficient change to the impacts of the scheme to overcome the previous recommendation, and the application is therefore still recommended for refusal.

The original report is attached as Appendix 1.

2 FURTHER CONSULTATIONS

Cambridgeshire County Council Highways Authority

No further comments to add

FDC Conservation Officer

1. This application concerns the change of use of land for use as a public car park and amenity land involving the formation of hard standing, and the siting of a container (part retrospective) at land west of the above property which is GII listed, within Elm Conservation Area and the setting of a neighbouring GII listed property, the GI listed church and the GII listed war memorial.

2. Planning history on the site includes permissions received under F/YR17/0813/LB and F/YR17/0812/F regarding internal and external works to the property, and associated details reserved by condition, approved under F/YR17/3165/COND and F/YR18/3054/COND and applications for external

signage and lighting for the public house under F/YR18/0890/A and F/YR18/0924/LB. There has in the past been permissions granted for extensions to the first floor and the cellar. This is a further consultation on this application in relation to a re-submitted site plan detailing the retained trees and details in relation to a proposed acoustic fence.

3. Consideration is given to the impact of the proposal on the architectural and historic interests with due regard to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

Consideration is given to the impact of this proposal on the character and appearance of the Elm Conservation Area with due regard to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

*4. **The proposal put forward is acceptable.** The following comments are made:*

i i. The proposal seeks to introduce hard standing to the rear of the site on a strip of unused land which forms a small remnant of orchard (according to historic maps) and now provides a hint of a rural setting for both listed buildings. However, this setting is largely provided by the mature trees and oaks that surround the application site. The significance of both the Sportsman and Black Horse Cottage are added to by their setting, which is largely forward facing towards the war memorial, main road, and church. The land to the rear is now developed with modern housing and any historic setting to the rear is largely gone. The proposal therefore to create hard standing will impact very little on the setting of either listed building and not in a way that will impact on their significance. An enhancement could be achieved by removing the parking from the front of the building as this detracts from the setting of both listed buildings, the listed war memorial and the listed church.

i ii. Tarmac planings are proposed to use for the hard standing. This will provide a softer and more porous surface than rolled tarmac, and this would be more aesthetically pleasing to the listed building than rolled tarmac. Grasscrete, or gravel would provide an enhancement to the setting as more aesthetically pleasing, porous and potentially more environmentally friendly options and would be preferred to planings. However, given that all surrounding roads are tarmac, then the choice of this material cannot have an increased negative impact on setting.

i iii. The siting of the container is unfortunate – such units are never desirable within the setting of listed buildings but given that this is adjacent to an electricity substation, the impact is less than it might otherwise have been. However, some consideration ought to be given to screening, cladding or providing a more suitable permanent storage unit.

i iv. A timber acoustic fence is proposed. This will be sited within the boundary of the site, and therefore hidden by the existing mature hedge, which is to be retained. There will be no impact on the setting of the listed building by the introduction of this element.

FDC Environmental Health

A 2.4m fence with 15kg/m² sound specification is considered by this service as a good combination likely to achieve a sound reduction of around 10-15dB or otherwise, provide some degree of improved noise reduction. Such performance figures are however only regarded as an estimate because of various factors such

as the type of vehicles being used, number of vehicles and movement for example. It is likely the proposed fencing will only protect garden amenity of neighbouring receptors as oppose to upper floors of nearby dwellings. The latter observation could be resolved by the closing of premises and use of the carpark by set hours, as indicated in earlier information submitted in this application.

From the recently submitted information, the design of the proposed fencing shows it will be in two parts; a 1.8m acoustic fence on top of a horizontal 600mm section below. 5718/04/02 REV F drawing refers. We would advise an alteration in design or with the addition of a separate fencing structure, may affect overall acoustic performance as the density may not be sufficient enough compared to a more complete design. However, the information submitted suggests the top 1.8m part of the fencing will be made up of vertical overlapped sections while the lower 600mm will have horizontal overlapped sections. On the understanding both wood and design will be constructed from the same material and in the same way then the acoustic properties should also be the same (this has been confirmed by the agent).

Local Residents/Interested Parties

Five further responses have been received in relation to the additional public consultation undertaken. The issues raised are summarised as followed.

- Objection to the placement of the container due to visibility, and its placement without planning permission
- No opening/closing times specified for the car park – must not be used late at night
- Adequate parking is already available
- The proposed number of spaces are not warranted based on the size of the pub
- Pub could rent the church yard as parking space
- Pub previously operated without the need for this parking previously
- No mention of tree planting on eastern boundary
- No expert advice provided on the acoustic fence specification
- No information on methodology of placing the fence posts
- Fence posts need to be deeper
- Plan does not incorporate tree officer comments
- Use as a car park will result in exhaust fumes in neighbouring gardens
- Trees have been removed from the site to reduce its amenity value.

3 ASSESSMENT

Acoustic Fence

Revised plans have been submitted in respect of the proposal, showing an additional, free standing acoustic fence located within the existing boundary of the application encompassing all three sides of the proposed car park, leaving the existing gates to main road in their current state.

This acoustic fence would be 2.4m tall, constructed in accordance with a detail plan provided. The fence would consist of a horizontal boarded section to 0.6m above ground level, with a vertical boarded section 1.8m in height on top of this, bringing the total height to 2.4m.

The Conservation Officer has confirmed that the fence would be acceptable from the perspective of its impact on the setting of the listed buildings and the conservation area.

The FDC Environmental Health Officer has indicated that the proposed fence would result in a reduction in noise levels, and has quantified the scale of that noise reduction, however also acknowledges that their response is based on 'laboratory' conditions, and that variations to this expected level will occur due to a number of uncontrollable factors. It is also noted that the reduction in noise levels experienced is likely to be limited to garden areas of the adjacent dwellings and would not translate to a reduction in noise levels within the dwellings themselves, particularly the upper floors. This is of particular relevance given the most significant impacts from noise generated by the proposal are likely to be late in the evenings when the upper floors of the adjacent dwellings are most likely to be occupied.

As noted in regard to the previous consideration of the application by the Planning Committee, the noise generated by the proposal is unlikely to constitute a statutory nuisance actionable by the Environmental Health team, and the noise management plan submitted by the agent in respect of the site is not enforceable by planning condition.

4 CONCLUSIONS

On the basis of the additional information supplied, it is concluded that the incorporation of an acoustic fence in relation to the scheme as shown on the revised plans does not overcome the previous recommendation for refusal of the proposal. The acoustic fence would result in some reduction of noise experienced by the neighbouring properties however this would not be to the areas of those properties most significantly affected by the noise and disturbance created as a result of the proposals.

The previous recommendation therefore remains.

5 RECOMMENDATION

Refuse

The proposed reason for refusal is as follows;

- 1 Policies LP2 and LP16(e) of the Fenland Local Plan seek to avoid adverse impacts on the amenity of neighbours. The proposed car park would generate a level of activity creating noise and general disturbance in close proximity to existing residential property. It is considered that this would be of significant detriment to the amenity of the residents of these dwellings and that if permitted the development would therefore be contrary to the aforementioned policies of the Local Plan.

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Change of use of land for use as public house car park involving the formation of hardstanding, new lighting and the siting of a storage container (part retrospective)

Officer recommendation: Refuse

Reason for Committee: Number of representations received contrary to Officer recommendation

6 EXECUTIVE SUMMARY

- 1.1 The application proposes to change the use of land to the rear of the pub to a car park to provide a net increase of 14 onsite parking spaces (two existing spaces would be lost). The car park will be for patrons only and not for general, public parking.
- 1.2 Careful consideration has been given to balancing the benefits and disbenefits of this proposal. Policy LP6 of the Fenland Local Plan 2014 provides support for proposals which enhance and retain an existing village facility such as public houses and encourages businesses to expand. It is accepted that the applicant has invested a considerable sum from 2017 onwards in order to reopen the pub and to adapt to current circumstances. It is accepted that increased car parking provision could enhance the appeal of the pub to new and existing users.
- 1.3 In addition, the proposal would not result in unacceptable harm to: the heritage assets next to the site and the Conservation Area; or the remaining trees within the site. There are also no highways concerns, and increased car parking could help to reduce some of the existing on-street parking in the vicinity of the pub.
- 1.4 Notwithstanding this, of greatest concern is the impact of the car park on residential amenity and considerable weight is given to this matter. The rear gardens of seven properties share a boundary with the application site and the rear elevations of these are between 6m and 19m from the proposed car park.
- 1.5 It is considered that the use of the car park and associated intermittent noise generated over a lengthy period of time (the opening hours) would have an unacceptable impact on the amenity of the occupiers of the adjacent properties whilst in their gardens and inside their dwellings. This would be contrary to Policy LP2 and Policy LP16 which seek to ensure that development is of high quality and does not adversely affect the amenity of neighbouring occupiers and would, on balance, outweigh the benefits of the proposal.

1.5 The recommendation is therefore for refusal.

7 SITE DESCRIPTION

- 2.1 The Sportsman Public House is a Grade II Listed Building (listed 1st May 1975) located at the centre of the Elm village and at the edge of Elm Conservation Area. It is located to the west of Main Road sitting close to the junction with Atkinson's Lane, and faces onto the Grade II listed War Memorial. The Sportsman is attached to Elm Manor (also Grade II listed) with a brick wall extending east along the boundary between the properties. A large outdoor seating area to serve the pub is located to the north of the wall and the garden to Elm Manor on the other side. Some parking to serve the pub is located adjacent to the seating area. This area was recently covered to facilitate reopening under COVID restrictions last year but has lately been removed.
- 2.2 To the west of the pub adjacent to Atkinson's Lane is another small area of parking. To the south of this parking behind 1.8m high fencing with double wooden gates is the application site. This is an area of garden land which served a former first floor flat above the pub. The garden land is approximately 50m long and 13m wide.
- 2.3 The application site is enclosed by the rear gardens of: Elm Manor and Glenholm (fronting onto Main Road); Nos 2 and 4 Grove Gardens; and Nos 2, 4 and 6 Laurel Drive. The boundary treatments consist of 1.8m high close boarded fencing along the boundaries with the Laurel Drive and Grove Garden properties. Along the eastern boundary a 1.2m high picket fence plus hedging is in the vicinity of Tree T3 and a 2m high hedge runs along the remaining boundary with Elm Manor.
- 2.4 Within the application site a number of trees have been removed/or had works done recently by the applicant. As the site is within the Conservation Area consent was applied for and granted under F/YR19/0731/TRCA and F/YR19/0317/TRCA. Seven remaining trees are located adjacent to the boundaries of the application site, shown as T1- T8. (T2 is no longer there). The site is within Flood Zone 1.

8 PROPOSAL

- 3.1 The applicant has revised the scheme a number of times during processing, in an attempt to overcome objections to the proposal. The scheme before Members is for the change of use of the site for use as a public house car park involving the formation of a hardstanding. New tree planting is proposed, along the western boundary with No 2, 4, and 6 Laurel Drive. Bollard lighting is proposed within free-standing timber barrels approximately 69cm high, to light the parking area. Retrospective permission is also sought for the siting of a storage container adjacent to the entrance gates.
- 3.2 The proposed parking area will be surfaced with rolled tarmac chippings. 16 parking spaces are indicated on the drawing each 2.5m wide x 4.9m long. These will be located adjacent to the western boundary, with a 1m wide buffer containing Sorbus trees. A new Silver Birch is to be planted in the south western corner of the site. Two existing parking spaces will be lost on Atkinson Lane to facilitate the opening up of the site and when the gates are open.

- 3.3 The storage container is already in situ in the north western corner of the site. It measures 2.5m x 4.3m and is 2.6m high.
- 3.4 The application was submitted in October 2020. The applicant has provided the following supporting information.

The pub was purchased in 2017. Following a programme of works/ renovation it re-opening in November 2018, selling beverages and snacks. In 2019, this was extended to include bar food and catering for functions. The food offer was previously restricted, but following investment prior to lockdown, the kitchen was then able to operate at a commercial level.

An open sided marquee to facilitate social distancing was added to the side of the pub once restrictions allowed (now removed). After the second lockdown, the pub was required to operate as a restaurant or remain closed. The pub decided to open three days a week and offer a takeaway service on these days.

The applicant states that historically parking at the property has been adequate, unless there were music events, weddings or funerals. It is also stated that up to 7 staff cars are parked at the pub at any one time which has an impact on available parking for customers.

The applicant states that customers are now reluctant to car share/ book taxis during the pandemic and travel in separate cars to the pub, increasing the demand for parking during the week and at weekends. The applicant also states that the proposal would alleviate the parking issue on busier days and events, taking parked cars off the roadside – improving highways safety for vehicles and pedestrians.

The storage container is needed because there is limited storage space within the pub. It also contains garden furniture for the beer garden to the front of the pub.

- 3.5 A Noise Management Plan has been included as part of this latest revision. This sets out methods of managing the car park when in use. Key features are:

Prior to Covid affecting the business, the Sportsman Pub operated Monday to Thursday 12pm – 10pm, Friday to Saturday 12pm – midnight, Sunday 12pm – 7pm. It is not known what the exact trading pattern will be when business returns to normal, but it is unlikely to be very different. The car park will only be open half an hour before service and close half an hour following end of service. For example, if the Pub is open between the hours of 12pm and 10pm, the carpark will be open from 11:30am to 10:30pm. The car park gates will be locked at all other times. Access times will be clearly displayed using appropriate signage.

“3 Strikes” rule for unruly customers. Clear signage at entrance, exit and repeated along the length of the car park. • Staff to communicate with patrons on leaving the pub. Supervisor patrols, CCTV. No stereo car rule. No idling rule. Taxi collection and drop-off at the front of the pub only. No glassware permitted to be carried to the car park area. Limited times of access.

Record complaints. Make contact with residents and deal with reasonable issues swiftly where possible. Ensure a system of contact is in place for neighbours to use when noise is a problem.

Monitor usage. Adapt rules when necessary. Consider physical and design improvements.

3.6 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QHJ8O3HE06P00>

9 SITE PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|
| F/YR19/0731/TRCA | Felling of 1 x Norway Maple 1 x Silver Birch and 1 x Variegated Box Elder, and works to 1 x Tulip tree, 1 x Norway Maple, 2 x Silver Birch, 1 x Sweet Gum tree within a Conservation Area Land West Of The Sportsman Main Road Elm | Granted | 01.10.2019 |
| F/YR19/0317/TRCA | Remove 5no Alders, 5no Cypress, 1no Walnut, and 1no Silver Birch tree within a Conservation Area Land West Of The Sportsman Main Road Elm | Granted | 10.06.2019 |
| F/YR18/0924/LB | Works to a Listed Building involving display of 2no externally illuminated painted signs to front and side elevations The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Granted | 06/12/2018 |
| F/YR18/0890/A | Display of 2no externally illuminated painted signs to front and side elevations The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Granted | 27/11/2018 |
| F/YR18/3054/CO | Details reserved by conditions 2 5 7 8 and 9 of Listed Building Consent F/YR17/0813/LB (Internal and external works to a Listed Building including removal of timber porch) The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Approved | 15/05/2018 |
| F/YR17/3165/CO | Details reserved by conditions 2 3 and 6 of Listed Building Consent F/YR17/0813/LB (Internal and external works to a Listed Building including removal of timber porch) The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Approved | 19/01/2018 |
| F/YR17/0985/TRC | Felling of 1no Birch Tree in a conservation area (retrospective) The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Granted | 23/11/2017 |
| F/YR17/0812/F | External works to existing public house including removal of timber porch and erection of a 1.2 metre high timber fence The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Grant | 16/10/2017 |
| F/YR17/0813/LB | Internal and external works to a Listed Building including removal of timber porch The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Grant | 16/10/2017 |
| F/93/0636/F | Erection of a first-floor extension to rear of existing premises to form additional living accommodation the Sportsman Ph Main Road Elm Cams | Granted | 18/04/1994 |
| F/93/0757/LB | Erection of a first-floor extension to rear of existing premises The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Granted | 06/04/1994 |
| F/0954/80/LB | Extension to cellar and store The Sportsman Elm Wisbech The Sportsman Main Road Elm Wisbech Cambridgeshire PE1 | Granted | 19/01/1981 |
| F/0954/80/F | Extension to cellar and store The Sportsman Elm Wisbech The Sportsman Elm Wisbech | Granted | 19/01/1981 |

10 CONSULTATIONS

Due to the amendments made to the application, a new round of consultations was undertaken on 16 December 2020 and a further consultation on 29th January 2021 was undertaken. A summary of responses is included below.

5.1 Elm Parish Council: Support the revised proposals

5.2 CCC Highways: *The proposal will not result in any material highway impact. I have no highway objections.*

In response to the comments that the proposal would be an improvement to highway safety:

I have noticed a number of parked cars parked around the war memorial at busier times, however I do not agree that this results in highway safety issue per-se. Saying the parking is dangerous is an emotive argument. At most I would say it is not ideal. If parking can be provided off road then this will provide a modest benefit in terms of allowing the current highway layout to operate in the manner in which it is designed. If more parking is approved and provided to the rear of the pub, it is likely that you will still have people parking around the war memorial at busier times. I would suggest the parking is more of an amenity issue rather than highway safety.

5.3 FDC Conservation Officer: *The proposal is acceptable.*

The proposal seeks to introduce hard standing to the rear of the site on a strip of unused land which forms a small remnant of orchard (according to historic maps) and now provides a hint of a rural setting for both listed buildings. However, this setting is largely provided by the mature trees and oaks that surround the application site. The significance of both the Sportsman and Black Horse Cottage are added to by their setting, which is largely forward facing towards the war memorial, main road and church. The land to the rear is now developed with modern housing and any historic setting to the rear is largely gone. The proposal therefore to create hard standing will impact very little on the setting of either listed building and not in a way that will impact on their significance. An enhancement could be achieved by removing the parking from the front of the building as this detracts from the setting of both listed buildings, the listed war memorial and the listed church.

Tarmac plantings are proposed to use for the hard standing. This will provide a softer and more porous surface than rolled tarmac, and this would be more aesthetically pleasing to the listed building than rolled tarmac. Grasscrete, or gravel would provide an enhancement to the setting as more aesthetically pleasing, porous and potentially more environmentally friendly options and would be preferred to plantings. However, given that all surrounding roads are tarmac, then the choice of this material cannot have an increased negative impact on setting.

Clarification is required regarding the shrub planting and more importantly the status of the trees – the loss of any of these trees would have more of a negative impact on the setting of the listed buildings than the change of use of this piece of land and the Arboricultural Officer should be consulted.

The siting of the container is unfortunate – such units are never desirable within the setting of listed buildings but given that this is adjacent to an electricity substation, the impact is less than it might otherwise have been. However, some consideration ought to be given to screening, cladding or providing a more suitable permanent storage unit.

5.4 FDC Tree Officer (02.03.2021)

No objection to the proposed layout and choice of replacement tree planting. There is scope for additional tree planting along the boundary between tree T1 and tree T3 to recover some of the screening lost with past tree removals.

5.5 FDC Environmental Health 15th January 2021

This application seeks consent for a change of use of land for the primary use as a car park to be associated with an existing public house. The Environmental Health Team have read the submitted information and have no objections in principle to the nature of this proposal.

Our records show complaints of loud music and outdoor noise have been reported previously by residents living in close proximity to the public house. Where complaints have been received in an area where permission is sought for changes of use, this service would seek to ensure that the existing noise climate is not adversely affected by the proposal and the interests of any existing sensitive receptors in close proximity of an application site are preserved.

The applicant has explained there is lack of parking provision serving the public house and therefore this application seeks to address this concern. Indicated within this application is stated that acoustic barrier fencing will be erected around the perimeter of the proposed site; stated by the applicant to have been allowed to become derelict with remnants from a previous beer garden. With the addition of rolled tarmac plainings, the applicant states both these measures have been chosen to reduce noise impact on surrounding neighbours.

This service welcomes the above measures to address noise however in the absence of any technical data, we are unable to determine what noise reduction may be achieved. Given the above observations, we recommend a condition is imposed that prevents the application site being used for any event that could be a source of nuisance or annoyance to neighbouring receptors. The carpark should therefore only be used in a manner that serves to provide parking provision for patrons of the licensed premises.

To ensure the amenity is not adversely affected from the proposed use, we would also recommend a second condition that requires the applicant to submit a noise management plan to show how all users of the carpark will be prevented from causing a nuisance for people in the area. Measures included in the noise management plan should then be adhered to at all times during and outside hours of public house operation. In the event artificial lighting is to be used at the application site, it must be suitably installed without causing a source of nuisance or annoyance to a neighbouring occupier and conform to requirements of the relevant obtrusive light limitations guidance available from the Institute of Lighting Professionals Guidance Note 1 for the reduction of obtrusive light 2020.

5th February 2021

In our last consultation of 15th January 2021, we advised a noise management plan should be submitted to show how all users of the carpark will be prevented from causing a nuisance for residents living in the area, with measures included in the plan to be adhered to at all times during and outside hours of public house operation.

The Environmental Health Team note and accept the submitted Noise Management Plan as this describes how noise will be controlled during and outside hours of business. So that an acceptable noise climate can be achieved, we ask that a condition is imposed should permission be granted that requires the hereby approved noise management plan to be followed as part of normal business operation.

The applicant has also submitted information on a proposed lighting scheme. The design and proposed layout for the lighting shows each lamp will be part shielded by boundary fencing leaving the remaining available illumination projecting towards the proposed carpark area, in the opposite direction to that of light-sensitive receptors. This proposed layout is considered to have minimal impact on light sensitive receptors and is therefore accepted by this service.

Local Residents/Interested Parties

5.6 Objectors

13 letters of objection have been received from;

Elm Manor; Grove Gardens; and Laurel Drive in Elm village, adjacent to the site.

Concerns and comments (relating to the final proposal) include:

- Happy to support local businesses, especially those affected by COVID. Purchasing a small Grade II listed pub in a quiet location was always going to be a challenge. There is also local competition. But any changes to increase revenue must not be to the detriment of others who live in close proximity to the application site.
- Light Pollution from car headlights and lights in car park'
- Noise- outdoor events to the front of the pub which have gone on into the night have already cause a noise nuisance.
- The entrance to the site is from a single track road.
- The site backs directly onto other gardens.
- There is no sound buffer for such a change of use as all the main trees were cut down.
- Open up the garden as a pub garden and make it more children and family/ community friendly so local families can come along and enjoy
- The proposal will greatly affect Elm Manor which runs the length of the pub, already affected by the loss of the trees, especially outlook from the rear and exhaust fumes and noise from the Marquee and front car park. If a car park (5m from kitchen window), the property will be surrounded by noise on three sides.
- Object to the storage container
- Our land borders the pubs for the whole length of the left hand side (which is not shown on their plan). There is 30m of privet hedge but also 12m of picket fence that is only 1.5m high. attached photo). The privet hedge has holes in it and we have had a man crawl through it into our garden. If they get permission for a car park a fence would be required along the full left hand side ideally an acoustic fence. To help with potential light pollution, noise and hopefully stop trespassers.
- We would like to know if the Tree Officer's recommendation to plant new trees with a minimum girth of 12/14cm along the south, east and west borders will be implemented regardless of whether planning permission is granted or not?

Comments on the Noise Management Plan:

- The applicants have simply confirmed in their Noise Management Plan (NMP 27.1.21) those noise sources already identified by neighbours in their objections.
- They are still failing to demonstrate what measures will be taken to optimise the design of the proposed Car Park to minimise noise transmission through the use of screening by natural or purpose built barriers.
- A key objective in their NMP (21.1.21) was to determine what is an acceptable noise level. Any noise is unreasonable after 11pm and before 7am. The proposed opening hours on Friday and Saturdays will be to midnight with the car park closing half an hour later. The applicants do not state how they have arrived at an acceptable level of noise, or what measure has been applied.
- The Noise Management Plan (NMP 27.1.21) refers to the installation of CCTV, raising issues of privacy for neighbours.
- Past experience proves that staff do not control customers shouting and singing in the front beer garden. It is doubtful they will bother with the rear car park/ they cant hear what's going on.
- We do not agree with ' 3 strikes and then banned for something like 3 months' This shows a lack of care and respect for their neighbours wellbeing.
- If they are going to have a car park, we feel that an acoustic fence is vital to reduce the noise as much as possible. The car park is going to be noisiest when the pub is busy with a music event. They are very likely to be too busy to monitor the rear car park or the CCTV.

5.7 Supporters

63 letters of support have been received. 42 from Elm residents and 21 from residents of Emneth, Fridaybridge, Wisbech, March, Marshland St James and Upwell.

Summary of reasons for supporting the original submission are:

- Considerable investment has been made in pub
- Worried for employees of the pub.
- Inaccuracies on website with regard to previous licencing hearings.
- Previous parking pressures were due to popularity of live music, now have parking issues because employees drive to work and diners arrive separately to meet at the pub.
- The parking around the memorial is used by the general public and not just patrons of the pub. Patrons are put off stopping as they think the pub is too busy.
- Parents of school children park at the memorial to walk children to school and when collecting.
- The shift to being a dining pub seems to have significantly increased the general need for parking across the entire week.
- The Sportsman has been listed as a pub for nearly 200 years. Anyone buying a house next to a pub should be aware.
- The village needs the new parking area.
- The pub has supported the school with IT equipment.
- The car park will reduce damage to the verges caused by cars adjacent to the memorial and will remove cars from this area.
- Customers will be able to leave their vehicles overnight.
- It's a good use of the spare land.
- It will improve road safety and congestion in the vicinity and village.

- Improvement to aesthetic of the village.
- It's a wonderful pub- should support extra parking, which will reduce street parking

11 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

12 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2019
Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

13 KEY ISSUES

- **Principle of Development**
- **Impact on Heritage Assets**
- **Impact on Residential Amenity**
- **Highway Safety**
- **New Tree Planting**
- **Other Considerations**

14 BACKGROUND

9.1 In summary, this proposal was originally for the change of use of the application site to a public house car park and for use as “amenity land” with flexibility to use the land for village fairs, classic car shows, car boot sales and other events. Issues of concern were raised with regard to the proposed flexibility of the use, which FDC’s Environmental Heath Team didn’t feel they could support. 43 letters of support were received to this proposal, but supporters mainly referred to the use of the land as a car park. 13 letters of objection were received from the occupants of the houses which back onto the site.

9.2 In response the applicant changed the description of development. The flexibility implied by “amenity land” was removed. Acoustic fencing was proposed to the site boundaries. The Tree Officer had concerns that this new fencing would impact on the tree roots and tree canopies of the remaining trees. As the Environmental

Health Team didn't require the erection of acoustic fencing for the proposed car park it was removed from the proposal.

- 9.3 There is ongoing debate between the applicant, the Tree Officer and the Enforcement Team with regard to whether tree T2 was approved for removal as part of the tree applications F/YR19/0731/TRCA and F/YR19/0317/TRCA. T2 has been removed from the latest plan revision (Rev K) but this issue does not prevent the determination of this application.
- 9.4 The Sportsman is a Grade II Listed Building (listed 1st May 1975). It is believed to have been a public house for over 150 years and as such constitutes an important local amenity in addition to possessing historic interest and significance in its own right. Whilst originally understood to have been linked with the adjacent 17th century house, The Sportsman is believed to have been wholly separate from the adjacent residential building since the early 19th century when a significant fire affected the building's grouping.
- 9.5 In the late 1960's and 1980's internal refurbishment works were undertaken at the property which was regrettable as they compromised some of the historic fabric. The building was vacant for some time and in 2017 the applicant sought permission for works to refurbish and enhance the building (F/YR17/0812/F and F/YR17/0813/LB). Following on from these works new signage was permitted in 2018 (F/YR18/0890/A and F/YR18/0924/LB).
- 9.6 Supporters and objectors both make reference to a recent licencing hearing with conflicting accounts of events. However, this application is now for the change of use of the land to a car park only. Matters related to licensing are not considered to be material to the determination of this application.

15 ASSESSMENT

Principle of Development

- 10.1 Policy LP6 of the Fenland Local Plan 2014 provides support for proposals which enhance and retain an existing village facility such as public houses and encourages businesses to expand. The Council supported the internal and external alterations proposed in 2017 which facilitated the reopening and retention of the public house. Furthermore, the applicant has stated that "*historically parking at the property has been adequate, unless there were music events, weddings or funerals*" and it is the COVID pandemic which has caused the applicant to seek to increase the amount of car parking.
- 10.2 It has not been stated by the applicant that the proposed car park would be important to the survival of the pub after: a) the reopening of public houses (with restrictions) towards the middle of April; or b) the removal of all COVID restrictions mid-June, but from the submitted information it is likely that the existing parking could be adequate. However, it appears from the letters of support that extra onsite parking could possibly enhance the appeal of the facility to existing and new users. For this reason the proposal finds some support in Policy LP6. Nonetheless it is also necessary as part of the planning balance to consider what the benefits and disbenefits of the scheme would be, specifically with regard to the local heritage assets, highway safety, noise and disturbance and resulting impact on residential properties within close proximity to the application site. These are set out in more detail below.

Impact on Heritage Assets

- 10.3 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, with regard to any impact on the adjacent listed buildings and the Elm Conservation Area.
- 10.4 Land to the rear (west) of The Sportsman Pub and Elm Manor is now a modern housing estate so any historic setting to the rear is largely gone. The significance of both properties is added to by their setting which is largely forward facing towards the War Memorial, Main Road and Church. The proposal therefore to create the hardstanding area will impact very little on the setting of either listed building and not in a way that will impact on their significance.
- 10.5 The Conservation Officer considers that the scheme could be enhanced by removing the parking from the front of the building as this detracts from the setting of both listed buildings, the listed war memorial and the listed church. However, it should be noted that this parking area is to be retained. The siting of a storage container within the setting of listed buildings is not desirable but given that this is adjacent to an electricity substation and seen in the context of this, the impact is less than it might otherwise have been.
- 10.6 In summary, the proposal is not considered overall to cause any harm to the heritage assets involved.

Impact on Residential Amenity

- 10.7 Policy LP2 and Policy LP16 (e) seek to ensure that development is of high quality and does not adversely impact the amenity of neighbouring or future users.
- 10.8 The applicant expects opening hours (after COVID restrictions are lifted) to be:
Monday to Thursday 12pm – 10pm;
Friday to Saturday 12pm – 12am;
Sunday 12pm – 7pm.

The car park is proposed to open half an hour before service and to close half an hour following the end of service. The car park gates are to be locked at all other times.

- 10.9 Members will have seen the level of support for the creation of a car park to serve the pub and the reasons for that support. However, the occupiers of the neighbouring properties which back onto the application site have concerns regarding the adverse impact on their amenity. The rear gardens of 7 properties share a boundary with the application site. This consists of a 1.8m high fence to the west and south, and a low picket fence and 2m high hedging to the east. The rear elevations of 7 properties are between 6m and 19m from the proposed car park.
- 10.10 The applicant has submitted a Noise Management Plan (NMP). The content of the NMP gives an indication of the scope of potential sources of disturbance which could result from the car park. For instance: cars arriving and leaving; cars idling; car horns and stereos; doors slamming; and loud talking and shouting for an extended period before customers get into their cars. As customers will arrive and leave during opening hours this potential disturbance will be continuous during opening hours and up to 12.30am on Friday and Saturday nights. Although there is

a close boarded fence along the western and southern boundary, there is also the possibility that car headlights could penetrate the eastern boundary hedge.

- 10.11 It is therefore considered that the proposal would be contrary to Policy LP2 and Policy LP16 which seek to ensure that development is of high quality and does not adversely affect the amenity of neighbouring occupiers, as the sources of noise disturbance set out above are considered to harm the amenity of the neighbouring residents.
- 10.12 It is accepted that, from the Environmental Health Team's perspective, this proposed use is unlikely to cause a statutory nuisance as there would not be any measurable noise source being created. However, from a planning perspective, it is considered that the general activity in the car park would impact on amenity and it would be very difficult to control the potential noise sources set out above or to enforce any realistic controls over these sources of noise.
- 10.13 With reference to the NMP submitted by the applicant, this has been put forward as a method of controlling noise and disturbance emanating from the car park. Unfortunately, there is very little within the document that is enforceable by the Planning Enforcement Team. Consequently a condition requiring the development to be carried out in accordance with this would fail the test of a 'lawful' condition as set out in national guidance. Therefore, the submitted NMP would fail to make the proposal acceptable from a planning perspective.

Highway Safety

- 10.14 Supporters of the proposal have made reference to development resulting in an improvement to general highway safety in this area, as cars would be using the car park rather than parking around the War Memorial. This includes at school pick up times. However, the car park could only be used by patrons of the pub, similar to the parking spaces at the front.
- 10.15 The Highways Officer considers that although cars are parked around the War Memorial at busier times, it has not resulted in any highway safety issues in the vicinity. Although the existing parking is not ideal, the provision of off-road parking may provide some benefit in terms of allowing the current highway layout to operate in the manner in which it is designed. However, if more parking is approved and provided to the rear of the pub, it is perhaps likely that some customers will still park around the War Memorial. Consequently, it is considered that any benefit in this regard is perhaps limited.

New Tree Planting

- 10.16 A number of trees have been removed from the application site since 2019 and because it is within the Elm Conservation Area, planning applications were submitted for the removal of and/or works to the trees. The loss of the trees has resulted in a change to the outlook from and screening provided to the properties backing onto the site. The applicant has stated that his intention is to make better use of this piece of land and has previously enquired about its suitability for a new dwelling.
- 10.17 Notwithstanding the ongoing issue with T2 specifically whether its removal was approved under the previous tree applications, the Tree Officer has no objection to the proposed layout and choice of replacement tree planting. But there is scope for additional tree planting along the boundary between tree T1 and tree T3 to recover some of the screening lost with past tree removals. If Officers were in a position to

recommend approval of the application a condition could be included with regard to additional new planting to this boundary.

Other Considerations

- 10.18 Low level bollard lighting is proposed within free-standing timber barrels approximately 69cm high along the western boundary. This proposed lighting is considered to have minimal impact on the adjacent light sensitive receptors.

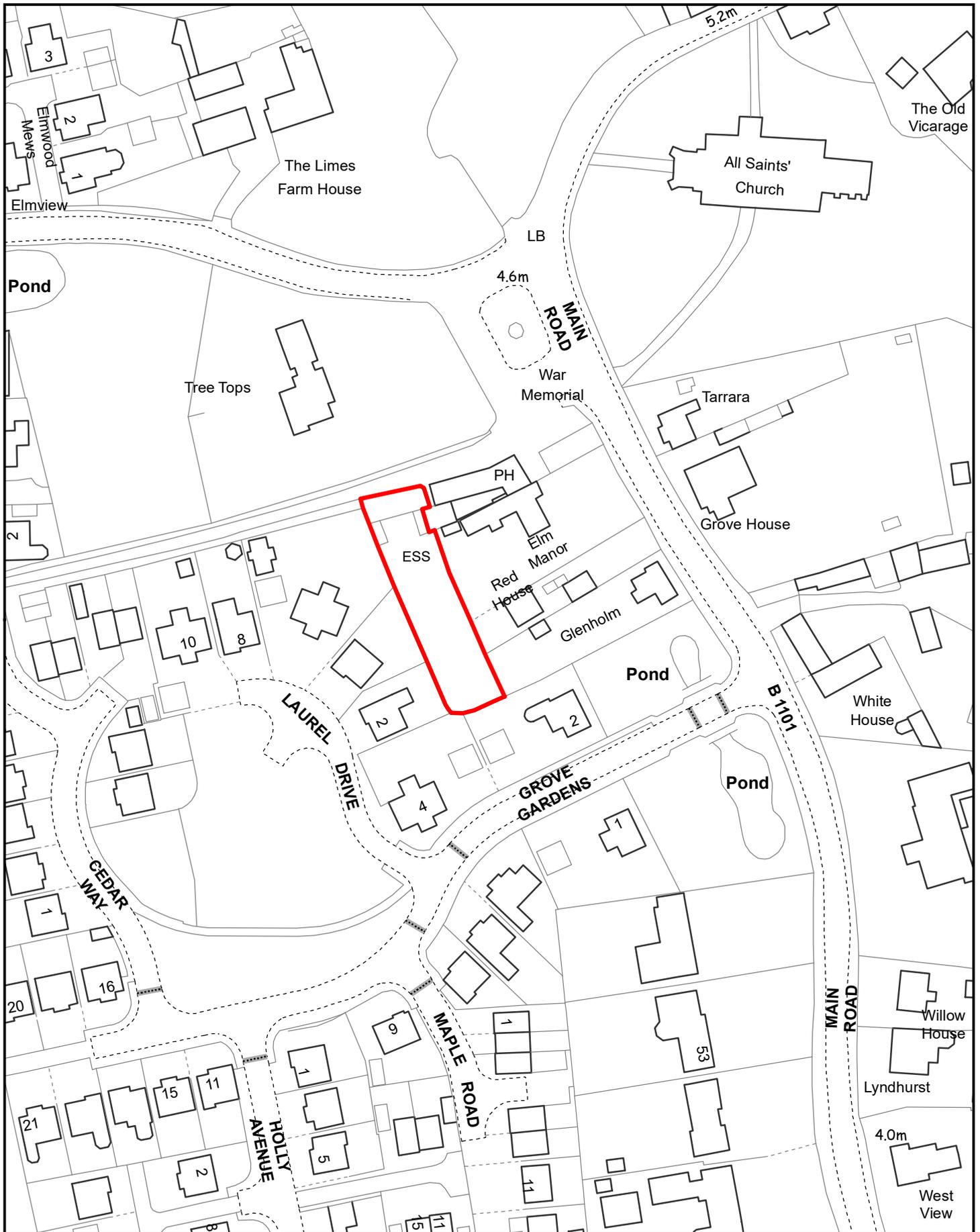
16 CONCLUSIONS

- 11.1 The application proposes to change the use of land to the rear of the pub to increase the amount of onsite parking available for customers who visit the pub (a net increase of 14 new spaces). The car park will be for patrons only and not for general public parking.
- 11.2 Careful consideration has been given to balancing the benefits and disbenefits of this proposal. Policy LP6 of the Fenland Local Plan 2014 provides some support for the proposal as it is likely the additional off-road parking could enhance the attraction of the facility. In addition, there may also be some limited benefits in possibly removing some existing on-street parking. The proposal is also not considered to cause any harm to the heritage assets of the Elm Conservation Area, or the setting of the listed buildings.
- 11.3 Notwithstanding this, of concern is the impact of the car park on residential amenity, specifically because the rear gardens of seven properties share a boundary with the application site and the rear elevations of these are between 6m and 19m from the proposed car park. The activity generated within the car park and the noise and disturbance arising from this would, it is considered, have a significant detrimental impact on the residents of these properties and their amenity.
- 11.4 This is a balanced judgement. But it is considered that any benefits to the business and highway situation are significantly outweighed by the detrimental impact on the amenity of the occupiers of the neighbouring properties, and that this impact would therefore be contrary to Policies LP2 and LP16(e) of the Local Plan. The recommendation is therefore for refusal.

17 RECOMMENDATION

Refuse for the following reason

| | |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Policies LP2 and LP16(e) of the Fenland Local Plan seek to avoid adverse impacts on the amenity of neighbours. The proposed car park would generate a level of activity creating noise and general disturbance in close proximity to existing residential property. It is considered that this would be of significant detriment to the amenity of the residents of these dwellings and that if permitted the development would therefore be contrary to the aforementioned policies of the Local Plan. |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



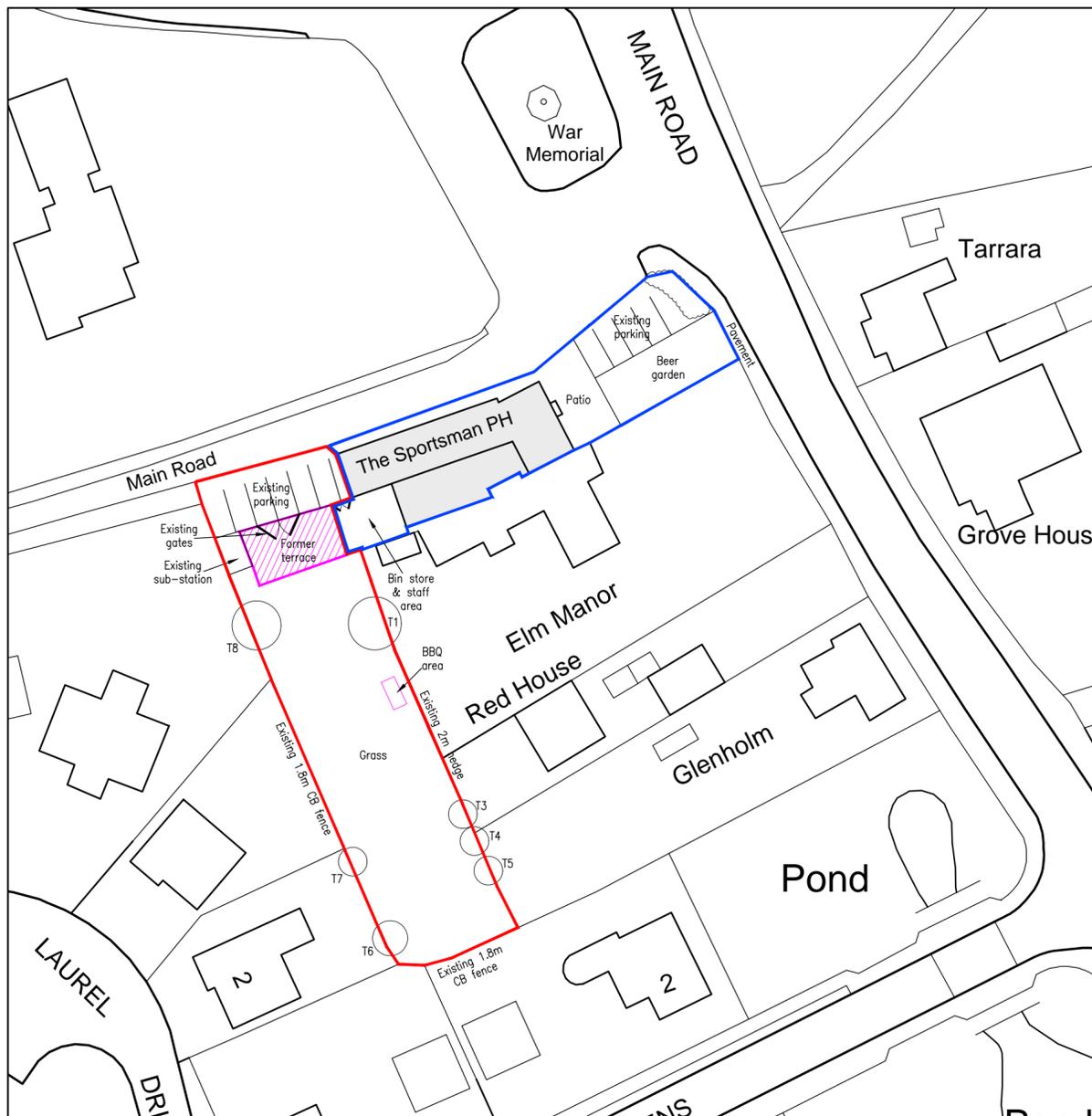
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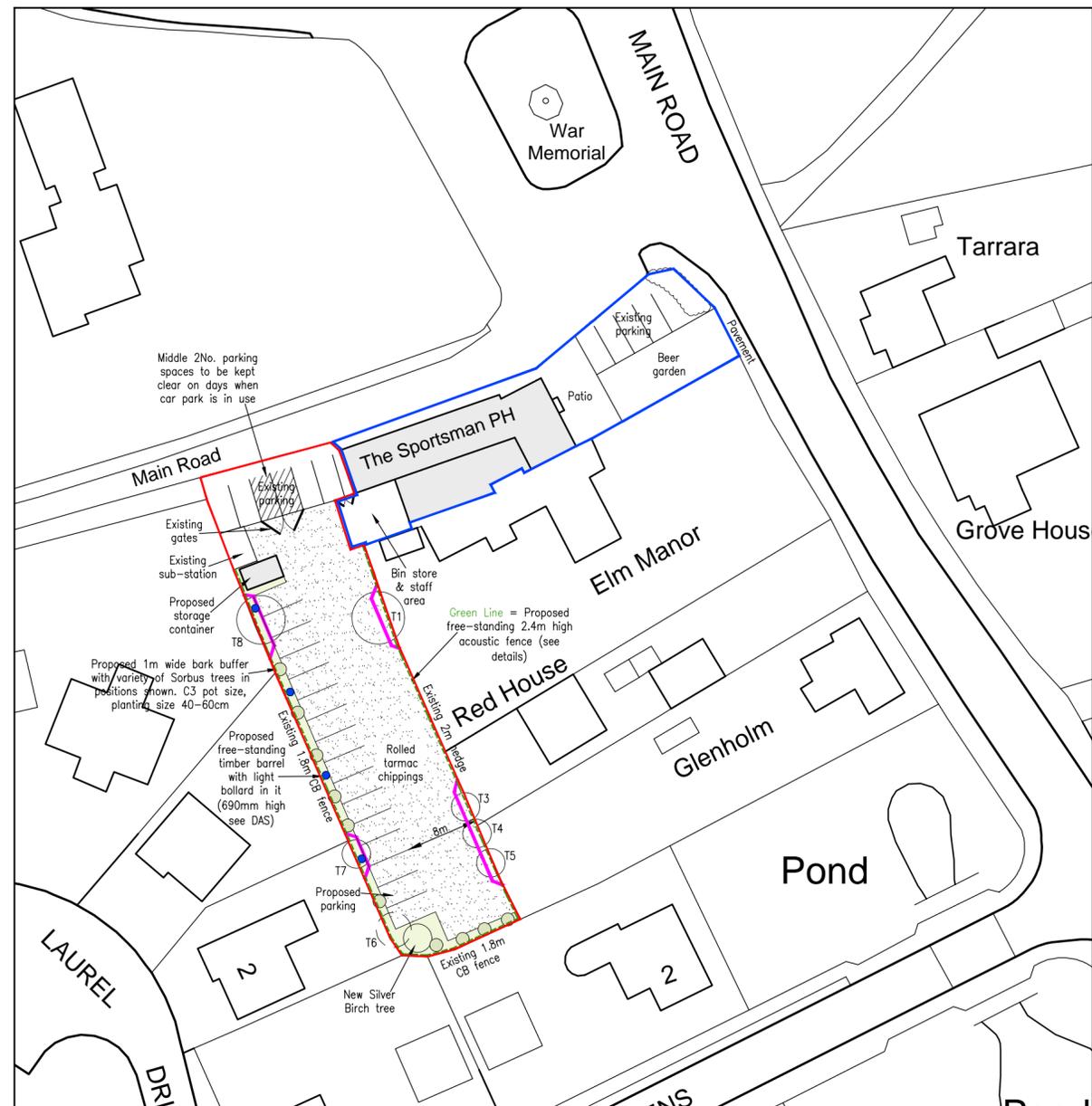
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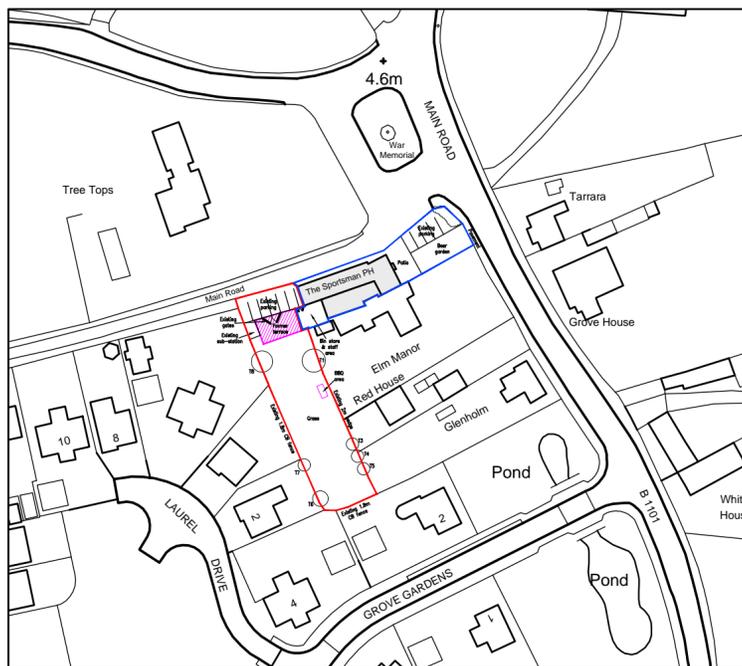




Existing Site Plan 1:500



Proposed Site Plan 1:500

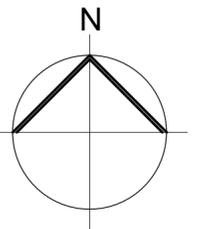


Location Plan 1:1250

| Tree:- | Action:- |
|-------------------|-----------------------------|
| T1 = Silver Birch | Retain |
| T3 = Tulip | Retain |
| T4 = Silver Birch | Retain |
| T5 = Norway Maple | Retain |
| T6 = Silver Birch | Recently came down in storm |
| T7 = Sweet Gum | Retain |
| T8 = Alder | Retain |

— = Tree Protection Area
(See Tree section in DAS for more detail)

--- = Proposed free-standing 2.4m high acoustic fence (see details)



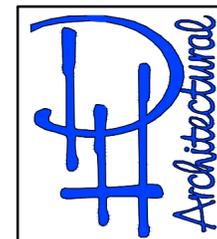
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ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED LAND CHANGE OF USE & CONTAINER
THE SPORTSMAN PH
MAIN ROAD
ELM
WISBECH

DRAWING TITLE
PLANNING DRAWING

CLIENT
Mr D Johnson - THE SPORTSMAN PH
DATE AUG 2020 SCALE As Shown JOB No. 5718/04/01M

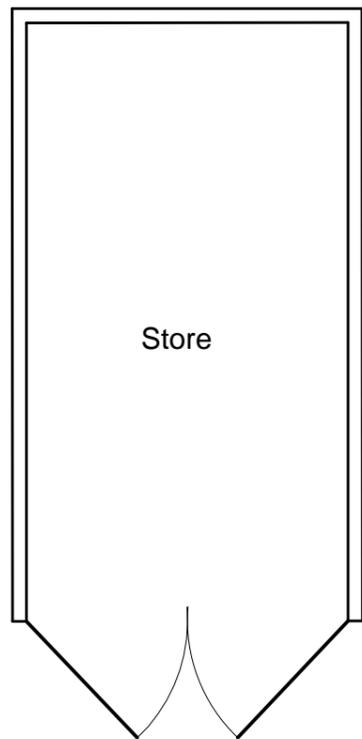
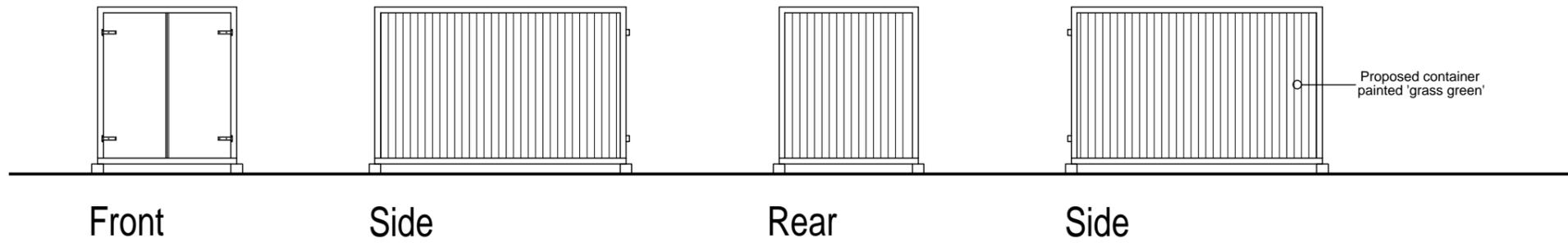
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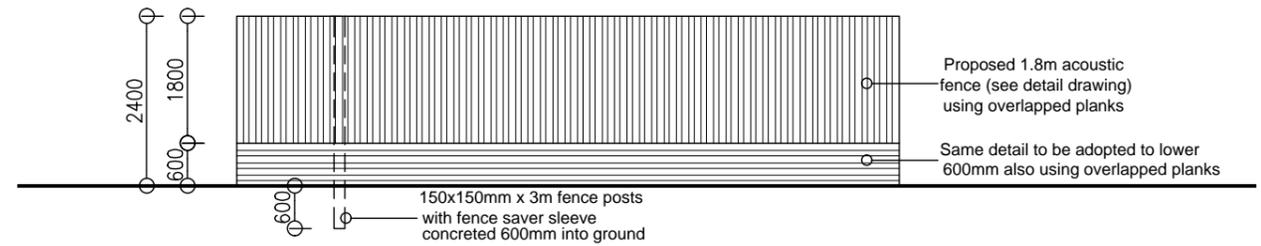
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Container Elevations 1:100



Floor Plan 1:50



Proposed free-standing acoustic fence 1:50



PROJECT

PROPOSED LAND CHANGE OF USE & CONTAINER
THE SPORTSMAN PH
MAIN ROAD
ELM
WISBECH

DRAWING TITLE

PLANNING DRAWING

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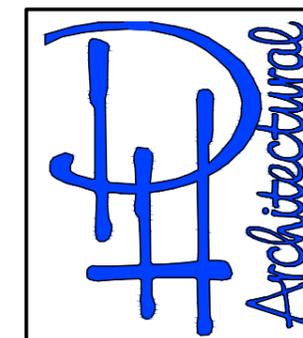
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