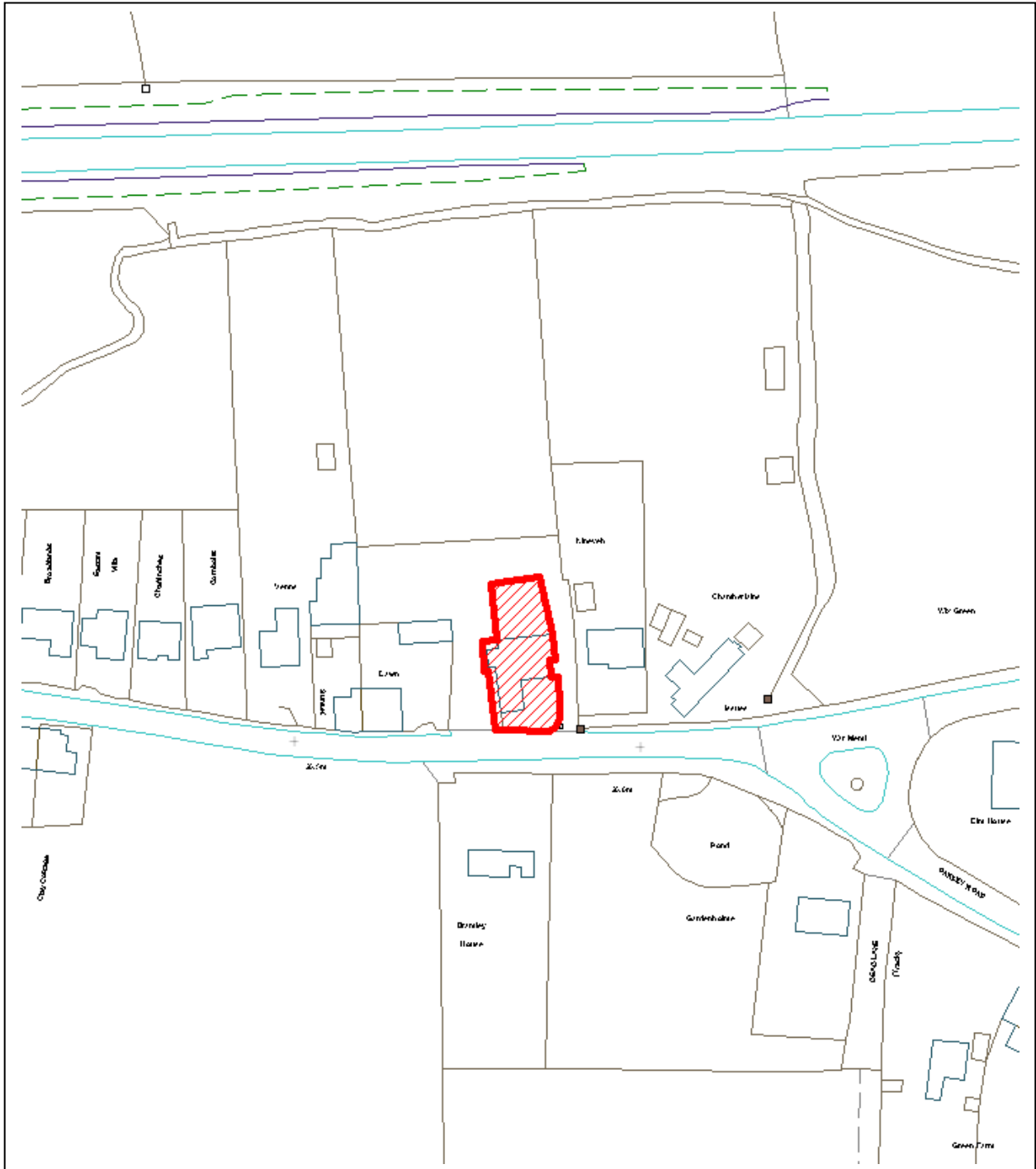


PLANNING COMMITTEE

18th October 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.8 (A) PLANNING APPLICATION 11/00042/FUL AND (B) LISTED BUILDING CONSENT APPLICATION 11/00043/LBC - WHITE HART INN , HARWICH ROAD, WIX, MANNINGTREE, CO11 2SA



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Application: (A) 11/00042/FUL and (B) 11/00043/LBC **Town / Parish:** Wix Parish Council

Applicant: G & K Groundworks Ltd

Address: White Hart Inn Harwich Road Wix CO11 2SA

Development: Change of use from mixed use comprising public house and dwelling, to single dwelling incorporating demolition of single storey flat roofed extension and reinstatement of rear elevation including small lean-to extension.

1. Executive Summary

- 1.1 Members are being asked to determine both the planning application and the listed building consent application for the above proposal. The White Hart Inn is a Grade II listed building on the Heritage at Risk register which ceased trading in 2003. The site lies outside the defined settlement limits and on land allocated for motel development within the adopted Local Plan. The planning permission for the 36 bed motel has recently been renewed for a further three years and the current proposal would not prevent implementation of that planning permission. Another public house, The Waggon, is located approximately 712 metres from the site close to the centre of the village. Marketing information for the period January 2004 to July 2011 demonstrates that the public house use is not viable and an alternative facility exists within 800 metres of the site therefore complying with Local Plan policy COM3. Furthermore, the deterioration of the Listed Building is recognised and in the interests of the presumption in favour of the preservation and enhancement of Listed Buildings to ensure sympathetic change and to protect the building from further decay, it is considered acceptable to allow the change of use from mixed use comprising public house and dwelling to a single dwelling. The recommendation is therefore to approve both the planning application and the listed building consent application.

Recommendation A: Approve planning application 11/00042/FUL

Conditions:

- **Standard three year time limit**
- **List of approved plans**
- **Parking to be provided prior to occupation**
- **Details of boundary treatments**
- **Landscaping**
- **New and replacement window and door details**
- **Method of reinstatement of rear wall following demolition of rear extension**
- **Samples of construction materials**

Reason for approval:

The change of use to a single dwelling, including internal and external alterations, is considered to be in accordance with the development plan policies listed. The public house has been adequately marketed and there is another public house within 800 metres of the site. The proposed alterations blend with the scale, form and design of the listed building, and respect its setting. Furthermore, owing to siting, scale and fenestration layouts, the proposed alterations would not reduce

the amenities enjoyed by occupants of neighbouring properties, would not result in the loss of any significant trees and are acceptable in terms of highway safety and convenience.

Recommendation B: Approve listed building consent application 11/00043/LBC

Conditions:

- **Standard three year time limit**
- **List of approved plans**
- **Details of boundary treatments**
- **Landscaping**
- **New and replacement window and door details**
- **Method of reinstatement of rear wall following demolition of rear extension**
- **Samples of construction materials**

Reason for approval:

The change of use to a single dwelling, including internal and external alterations, is considered to be in accordance with the development plan policies listed. The proposed alterations blend with the scale, form and design of the listed building, and respect its setting.

2. Planning Policy

National Policy:

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

Local Plan Policy:

Tendring District Local Plan (2007)

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

COM3 Protection of Existing Local Services and Facilities

EN22 Extensions or Alterations to a Listed Building

TR7 Vehicle Parking at New Development

RA3 Motel

RA6 Village Pubs

Core Strategy and Development Policies Proposed Submission Draft (2010)

CP9 The Historic Environment

- DP1 Design of New Development
- DP4 Private Amenity Space for Residential Development
- DP8 Development Affecting Listed Buildings

Other guidance:

Essex County Council Parking Standards

3. Relevant Planning History

96/01599/FUL	18 room motel with parking and landscaping	Approved	07.05.1997
01/01581/FUL	Renewal of consent TEN/96/1599 for 18 room motel with parking and landscaping	Approved	30.06.2003
03/02002/LBC	Remove existing extensions and outbuildings and erect new extension. Change of use to dwelling	Refused Appeal dismissed	07.01.2004
03/02003/FUL	Remove existing extensions and outbuildings. Change of use from Public House to dwelling	Refused Appeal dismissed	07.01.2004
03/02158/OUT	Proposed residential developments for 8 dwellings	Refused Appeal dismissed	24.12.2003
07/00616/FUL	The erection of a 36 bed motel.	Approved	30.10.2008
11/00777/FUL	The erection of a 36 bed Motel (extension of time on previously approved 07/00616/FUL).	Approved	05.10.2011

4. Consultations

Regeneration	No specific comments to make the pub has not operated for a number of years and therefore the impact is minimised.
Heritage and Conservation Officer	<p>This Grade II Listed Building has been on the Heritage at risk register for a number of years and its deteriorating condition gives cause for concern. An inspection of the building has been undertaken and despite its outward appearance internally it remains in fairly good condition with no evidence of water ingress.</p> <p>Support proposed change of use to a single dwelling if that leads to the full repair and restoration of this important historic building. Overall the proposals submitted are acceptable in relation to the impact on the Listed Building. Welcome the demolition of the incongruous single storey rear extension and have no objection to the addition of the small extension or dormer window.</p> <p>Understand there is evidence of a cock fighting pit inside the building and there is also a good surviving timber frame, fireplaces, floors and</p>

wattle and daub walls all of which need to be carefully retained and protected. Need to add a condition to cover the protection and re-instatement of the rear wall when it is exposed upon demolition of the rear extension.

Wix Parish Council

Object on following grounds:

- Rerun of applications refused in 2003 and upheld at appeal. Nothing of any material consequence has changed to warrant a change of attitude on the part of the Parish Council.
- Have failed to fulfil obligation to find a buyer at a realistic price.
- Property has persistently been allowed to decline into disreputable condition wilfully making prospective commercial purchase less likely.
- Private dwelling will do nothing to enhance the motel development on the rear of the site.
- Retained as a Gastro Pub it would be a very important tourist facility on the A120 corridor.
- Will deprive locals of potential employment and rural regeneration.
- At the time of closure this was a successful Gastro Pub.
- No planning obligations have been provided.
- Application forms indicate smaller loss of restaurant space.
- Several heritage features such as wattle and daub walling and inglenooks are not shown in the applications will be at risk.

5. Representations

5.1 The planning application has been called in by Councillor Patten for the following reasons:

- Application is essentially as refused in 2003.
- Change of use to a dwelling is contrary to policy and will put an end to the motel development.
- Building and site has been allowed to run down into a dreadful condition.
- Failed to fulfil obligation to find a local buyer.

5.2 14 letters of objection (from 10 objectors) have been received. A summary of the comments is set out below;

- Building contains a cock fighting pit, priesthole and ancient carving and other features which will be lost to public view.
- Building has been allowed to fall into disrepair.
- Believed reasonable offers to buy the pub have been rejected.
- Has not overcome reasons of refusal of 2003 applications.
- Was a very successful pub and the approved motel would further support this.
- Inadequate parking provided.
- To approve this will put the motel and potential jobs and tourism in jeopardy.
- Public house should be offered separately to the motel site to the rear and a separate purchase price made available.

5.3 Two letters of support and one of comment have been received. A summary of the comments is set out below;

- Pub is not viable as already have another pub in this small village.
- Should be a home so the building will be looked after.
- Pub was very noisy and welcome change of use to dwelling.

- 5.4 In response to the comments raised by the Parish Council, local Member and residents the previous appeal decision, parking provision and marketing are addressed in the assessment below. The proposed development does not trigger any planning obligation requirements. The proposal does not affect the motel development site to the rear and would not prevent the implementation of that permission. Internal heritage features referred to are not affected by the proposal and any future proposals to alter these features will require separate Listed Building Consent. In relation to other features which are stated to exist in the building, but are not currently visible or detailed in the listing description, if these features do exist e.g. under the floor then they will remain undisturbed under the current proposal. Internal alterations are limited to those detailed in the report below and any further alterations will require separate Listed Building Consent.

6. Assessment

The main planning considerations are the planning history of the site, the principle of development, impact upon the historic character and architectural interest of the listed building, and parking and private amenity space.

Context

- 6.1 The White Hart Inn is a Grade II Listed Building which ceased trading in 2003 and lies on the northern side of Harwich Road, Wix. To the rear of the application site the applicant's land extends northwards to adjoin the A120 on land allocated for motel use within the adopted Local Plan (Policy RA3 refers). Vehicular access to the motel land is retained along the western side of the White Hart Inn with exit retained on the eastern side.
- 6.2 Residential properties are situated to the east and west of the application site fronting onto Harwich Road. The site lies outside of the defined settlement limits of the village of Wix. Another public house, The Waggon, is situated approximately 712 metres away at the cross roads close to the centre of the village.

Planning history of the site

- 6.3 The 2003 applications for change of use to a single dwelling were refused on the grounds that the proposal would materially harm the existing economic diversity and leisure/tourist potential for the site and locality by the loss of the public house and would prejudice the opportunity to secure future tourist facilities. In addition no exceptional material circumstances were made which demonstrated that the existing use was not viable nor any exceptional reasons to override development plan policy.
- 6.4 The appeals were dismissed in 2004. The Inspector expressed concern at the proposed alterations which lacked sufficient detail and was not satisfied they would preserve the building's special historic interest. It was considered the change of use to residential would severely diminish the essential historic character and architectural interest of the building and lead to incremental changes such as a residential curtilage, associated domestic paraphernalia and cars parked close to the building. The proposal also included the access track to the motel site as additional side garden to the proposed dwelling and therefore prevented implementation of the motel development. The Inspector confirmed this would prevent or severely reduce the likelihood of the land to the rear being developed for tourism or leisure. The pub had only been marketed for two months so it was not adequately proven that the use was unviable.
- 6.5 The current applications retain the access to the motel site to the rear so would not prevent its implementation. The unsympathetic alterations to the listed building have been removed with more appropriately detailed dormer windows and single storey rear extension

proposed. The residential curtilage has been reduced by retaining the separate side access to the rear of the site. Two parking spaces are located at the rear of the garden 12 metres from the rear of the listed building. Details of marketing from January 2004 to July 2011 have also been received.

Principle of development

- 6.6 The application site falls outside the defined settlement limits for the village of Wix. In addition, the site is allocated for potential development of a motel within the adopted Local Plan. Development of this site for residential use in principle would therefore usually be considered inappropriate.
- 6.7 Policy RA6 of the adopted Local Plan resists the change of use of village pubs to support community life and help reduce the need for people to travel long distances for this community facility unless evidence can be provided to show that this use is not economically viable. Details of a marketing campaign, beginning in January 2004 up to July 2011, have been submitted to support this application and efforts to sell this property as a public house have proved unsuccessful as have efforts to market the property for an alternative use as a care home. It is noted however that the public house appears not to have been offered separately from the approved motel land to the rear of the site.
- 6.8 Policy COM3 of the adopted Local Plan, seeks to protect existing local services and facilities (including public houses) unless the facility is no longer viable. The policy contains criteria where, if there is adequate provision of similar facilities within a reasonable walking distance (800m), it is considered possible to redevelop community facilities for alternative uses. It is acknowledged that there is another public house, The Waggon, situated approximately 712 metres away from the application site and that Local Plan policy COM3 applies to facilities within communities across the whole District, in both rural and urban areas.
- 6.9 In addition, Development Policy DP15 (Protection of Existing Community Facilities) of the emerging Core Strategy and Development Policies Proposed Submission Document (October 2010) also refers to the need for evidence that the use concerned is not economically viable or that the loss of the facility can be met by an easily accessible existing or new facility within 800 metres of the premises concerned. It should also be noted that following consultation of the Core Strategy and Development Policies during October to December 2010 it was suggested that this catchment criteria should be expanded given the rural nature of the Tendring District.
- 6.10 On balance, it is considered that the details of the marketing campaign submitted acceptably demonstrate that the use of this site as a public house is no longer viable and the fact that the public house has not operated for eight years means that the loss of this facility will have minimal impact on community life. In addition, it is also acknowledged that there is another existing public house within 800 metres of the application site, therefore limiting the need for people to travel long distance to reach similar facilities and therefore satisfying the criteria set out within Local Plan policy COM3 and the emerging policy, DP15.

Impact upon the historic character and architectural interest of the listed building

- 6.11 The Heritage and Conservation Officer's comments are detailed at paragraph 4 above. The Grade II listed building has been on the Heritage at risk register for a number of years and despite its outward appearance internally it remains in fairly good condition with no evidence of water ingress. However it is rapidly deteriorating and has remained empty for a significant period. The building has been the subject of break ins causing some damage and theft of water storage equipment and copper which means services have been shut off.

The building urgently requires full repair and restoration to prevent permanent damage to the structure and historic features of the listed building.

- 6.12 The proposal to demolish the incongruous flat roofed single storey rear extension and to replace the unsympathetic rooflights with conservation rooflights will significantly improve the appearance of the building. The proposed modest rear extension and dormer windows are considered acceptable subject to conditions securing appropriate detailing and materials. Internal alterations are limited to replacement doors and windows, and division of the existing first floor bathroom into two en-suites and removal of the modern first floor kitchen.
- 6.13 Planning Policy Statement 5: Planning for the Historic Environment recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. In this case the deterioration of the Grade II Listed Building is recognised and in the interests of the presumption in favour of the preservation and enhancement of Listed Buildings to ensure sympathetic change and to protect the building from further decay, it is considered acceptable to allow the change of use from mixed use comprising public house and dwelling to a single dwelling.
- 6.14 Subject to the recommended conditions it is therefore considered that the proposal would preserve the special architectural and historic interest of the listed building and bring the building back into use thereby securing its full renovation and continued maintenance.

Parking and private amenity space

- 6.15 An amended plan has been received to show two off street parking spaces to the rear of the garden which are in accordance with the adopted parking standards.
- 6.16 The rear garden measures approximately 185 square metres and therefore exceeds the 100 square metres required by local plan policy HG9. No unilateral undertaking to provide a financial contribution towards public open space is required as there is already a four bedroom dwelling above the ground floor public house and restaurant so no additional dwellings are proposed.

Background Papers

None.