

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	06/09/2019
Planning Development Manager authorisation:	TF	09/09/2019
Admin checks / despatch completed	SB	09/09/2019

**Application:** 19/00039/FUL **Town / Parish:** Manningtree Town Council

**Applicant:** Mr T West - South Street Pubs Ltd

**Address:** Red Lion Public House 42 South Street Manningtree

**Development:** Proposed demolition of existing outbuilding. Erection of 1.5 storey addition to be used as an ancillary pizzeria restaurant on ground floor and first floor dressing room ancillary to the existing function room. (Variation to the use of previously approved 17/01056/FUL and 17/01057/LBC including the addition of an extraction flue).

### 1. Town / Parish Council

Manningtree Town Council      No comments received.

### 2. Consultation Responses

Highway Authority      From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.

The width of the existing drive is inadequate for more than one vehicle to use at a time. South Street itself is a narrow one-way road with existing residential parking on street as a high proportion of dwellings have no off-street parking.

The overall parking provision is considered to be inadequate and would therefore likely lead to further demand for on street parking in an area currently suffering some degree of kerbside stress in terms of residential parking provision.

The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users and undermine the principle of seeking to discourage on-street parking in the locality.

The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### Notes

1. The proposal may lead to inappropriate parking across the vehicular crossover or footway leading to obstruction of the footway or even the highway due to the narrow carriageway, which would be detrimental to the general safety of all highway users.

2. Although the planning statement highlights the current parking constraints it states that the majority of customers wishing to take away would be 20% of the business share and these would be customer's in walking distance of the pub. Even if that was the case and due to there being no off-street parking serving the site there is a potential for the few that did drive to impact on the vehicle movements along South Street and potentially on the on street parking places for residents' who have no other forms of off street parking in the vicinity of the site.

### 3. Planning History

14/01828/LBC	Proposed internal alterations: Relocating toilets, removal of some internal partitions and formation of openings and erection of new partitions.	Approved	10.04.2015
17/01056/FUL	Proposed demolition of existing outbuilding. Erection of ground floor store room, and first floor dressing room ancillary to existing function room.	Approved	07.02.2018
17/01057/LBC	Proposed demolition of existing outbuilding. Erection of ground floor store room, and first floor dressing room ancillary to existing function room.	Approved	07.02.2018
19/00040/LBC	Change of use of extension approved under 17/01057/LBC to form pizzeria on ground floor.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of a Listed Building

TR7 Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is the Red Lion Public house, 42 South Street, Manningtree. The site lies on the western side of South Street which is predominately characterised by residential dwellings with some commercial uses to the north just off the main high street. The pub has seen many alterations and improvements over time including some large additions to the rear. The pub is a Grade II listed building and is located within the Manningtree Conservation Area.

The application itself relates to the development approved under 17/01056/FUL which replaced a dilapidated and unrepairable outbuilding/addition located to the rear, southern side of the building.

### **Proposal**

The application seeks full planning permission for the demolition of existing outbuilding and the erection of 1.5 storey addition previously approved under 17/01056/FUL.

This is a variation to the use element of the previously approved 17/01056/FUL. The principle of demolishing and re-building the outbuilding and shed has been established through the approval of the previous permission.

The extension in its approved form provided a store to the ground floor with a dressing room within the roof space. This current application now proposes the use of the ground floor as a pizzeria restaurant ancillary to the pub with half of the floor area used as a preparation area, including a wood-fired pizza oven, and the remaining part providing a seating area for the consumption of the purchased pizzas. The dressing room within the roof space remains as approved being ancillary to the adjacent first floor function room. The flue will run via the roof area of the new addition into the side elevation of the existing rear projection exiting to the rear element of the roof plane.

There is a concurrent listed building consent application under reference 19/00040/LBC.

### Assessment

The main considerations as part of this full application are;

- Planning History;
- Design and Impact on the Heritage Assets;
- Impact on Residential Amenities;
- Compatibility of Uses; and,
- Representations and Consultations.

### Planning History

The application is essentially a variation to the previously approved 17/01056/FUL changing the use and adding a flue but not altering the overall design and appearance of the extension.

For completeness, the considerations and assessment made under 17/01056/FUL are included below also having regard to the proposed alterations.

### Design and Impact on the Heritage Assets

The NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal to their significance. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm of loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building should be exceptional.

Policy EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PLA8 of the Draft Plan which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

A Heritage Statement has been provided in accordance with the above requirements and includes an assessment of the heritage significance of each element of the building as it has evolved over time. This assessment shows that the section of the building subject of demolition is circa 18th Century and is of very high significance with the first floor function room area (new opening proposed) being a later circa 20th Century addition being of no significance. A structural survey report has also been submitted detailing the condition of the building providing justification for its loss. The demolition element of the proposal is considered in more detail within the listed building consent application.

There can be no doubt that the loss of the existing outbuilding and shed will have an impact on the integrity of this heritage asset as it will involve the loss of fabric considered to be of very high significance. However, the alternative is to leave the building as it is which will ultimately result in its loss as its structural integrity further deteriorates. As such, given that the structure requires re-building to secure its future, the principle of demolishing and re-building the outbuilding and shed is considered acceptable in heritage terms.

Externally, it is proposed to reconstruct the outbuilding more or less in line with the existing building. The new building retains the dominant double door feature to the front elevation and proposes to re-use existing material or match new materials to the existing. The key changes include the creation of a new window in place of an existing door and the creation of a roof with a steeper pitch to accommodate a first-floor room. Only a small part of the existing outbuilding is

visible by the public in views from the highway. This view is currently dominated by the red painted double doors. Therefore, the retention of this feature is considered to have a positive impact by retaining a key architectural and historic aspect of the original building. The creation of a new window in place of an existing doorway is considered to have a negligible impact in heritage terms; the new window will match those on the rest of the building and is not out of place on a building of this type. With regard to the proposed roof, the existing building barely has a roof currently and therefore the creation of a new roof at a steeper pitch is considered to have only a limited negative impact on the historic integrity of the building. Visually, in public views from the highway, the altered pitch will be barely perceptible. The creation of this new roof will involve cutting through two first floor windows on the southern elevation of the existing function/events room. This part of the existing building is a 20thC addition to the Red Lion and has been assessed as being of no architectural or historic significance. As such, the proposed alterations to the windows are considered to have no impact in heritage terms. In addition, there are no external public views of this part of the building, which is largely obscured by neighbouring properties, apart from limited views from the courtyard area of the Red Lion itself. The alterations would be visible from inside the function/events room but do not involve the loss or alteration of any historic fabric that would impact the integrity of the Red Lion as a heritage asset.

The proposed replacement of the existing shed with an external, fenced, bin store will result in some harm to the architectural and historic interest of the Red Lion. It is possible that this shed is contemporary with the existing outbuilding as the same cobbled flooring is found throughout. However, the shed is in very poor condition with no roof to speak of and poor-quality timber walls, painted black. It is proposed to retain the original cobbled flooring and replace the timber walls with a new timber fence and gate. The roof will not be replaced, creating an enclosed outdoor bin store. Visually, the loss of this shed and its replacement with timber fencing will result in limited harm in heritage terms. However, the impact could be somewhat mitigated by painting the timber fencing black to match the walls of the existing structure. The retention of the cobbled floor is also considered to be positive and is likely to be the only salvageable existing fabric.

It is proposed to create a new doorway in the eastern elevation of the new outbuilding; accessible via the external bin store. The creation of this doorway is considered to result in a negligible impact in heritage terms. This part of the existing building is not currently visible, being within the existing shed and the new door will not be visible in public views as it will be within the fenced bin store area. As such, this new feature is considered to result in a negligible impact on the significance of the asset as a whole.

Internally, the proposed new outbuilding will create a single space to serve the pizzeria restaurant, oven and preparation area. This will mean an existing partition wall is not reconstructed. However, this fabric will be lost through necessary demolition and the feature is not considered fundamental to the architectural or historic interest of this part of the building. As such, its loss is considered to result in a negligible impact in heritage terms. More importantly, it is proposed to retain the original cobbled flooring which will have a positive impact. It is also proposed to create a new internal staircase and first floor room within the new roof space. Both features are considered to have a neutral impact. Neither will be perceptible in external views and as the existing structure has barely any original roof fabric left the construction of the new room will have no impact on existing historic fabric. To accommodate this new room and facilitate its function as a changing room connected with the adjoining first floor function/events room, it is proposed to create a new internal door in the southern elevation of the existing function/events room. The creation of this new doorway will have no impact in heritage terms. The function/events room is located in a 20thC addition to the Red Lion which has been assessed as being of no historic or architectural significance. The proposed rooflight will result in no loss of existing fabric. The re-building of the outbuilding will require a new roof and although existing materials will be re-used wherever possible there are very few remaining roof tiles. Visually, the proposed rooflight will result in some impact and may be visible in public views of the building from the highway. However, this impact is considered to be small. Conservation rooflights are commonly used on similar historically sensitive buildings and are specially designed to result in as little visual impact as possible. The proposed rooflight will sit central to the roofslope and directly above the proposed window in the eastern elevation. This will mean the eye is largely drawn towards the ground floor window rather than the rooflight. When weighed against the benefits of ventilation, natural light and a means of escape this modest intervention is considered acceptable in heritage terms.

For the reasons set out above, the proposed replacement building and intended use is acceptable in listed building terms and will preserve the character and appearance of the conservation area.

#### Impact on Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

The existing building is situated on the boundary with number 44 South Street. The boundary is irregular in that it steps in behind this neighbouring property. The other neighbouring properties around the site are sited a sufficient distance from the site meaning that the proposed building will not be harmful to their amenities. There is an apparent change in levels with South Street sloping upward in a southerly direction. Number 44 therefore sits slightly higher than the Red Lion.

The existing building, although dilapidated, is 4.6 metres to the ridge and 3.1 metres to the eaves. The eaves of the proposed building are the same height at 3.1 metres (with a parapet arrangement to the rear) with an increase in ridge height of 1.7 metres equating to 5.8 metres high overall. The increase in pitch and parapet design means that the depth of the roof directly adjacent to the boundary is narrower than the existing. The building is sited to the north of the neighbouring property meaning that there will be no material harm to the daylight or sunlight currently received to the garden or rear windows of number 44. The increase in height will result in some harm to outlook from the rear windows and garden area of number 44 but this cannot be considered significantly harmful having regard to the position and height of the existing building and the narrower side gable resulting from the steeper pitch and the change in site levels meaning that the building will not appear as high from the neighbouring garden. There are no side facing upper floor windows and the front dormer window has been replaced with a small conservation rooflight. Any views from this rooflight will be mostly toward to road. Any views towards to rear of number 44 will be obliquely angled and will not result in any loss of privacy or harmful overlooking.

For these reasons, on balance, any harm resulting from the development cannot be considered so harmful as to warrant refusal of planning permission on neighbouring impact grounds.

#### Compatibility of Uses

Officers had strong concerns regarding the 'takeaway' element of the proposed use due to the cramped nature and character of South Street and the lack of on street or off street parking to support the use.

Essex County Council Highway Authority concurred and recommended refusal as set out above.

Following lengthy discussions with the applicant and agent, the application description has been amended to ensure that the proposed pizzeria is to be used solely as a restaurant, ancillary to the existing public house use and will not function separately, be open at times beyond the permitted public house opening times nor offer a takeaway separate service. This will be controlled by condition.

Due to the nature of the existing use, an ancillary restaurant element cannot be considered materially harmful to neighbouring amenities. The outside seating area is existing and the use of this space permitted as part of the existing pub use. Any noise or disturbance of a statutory nuisance omitting from the use of this outside area could be controlled

#### Representations and Consultations

No comments received from Manningtree Town Council.

1 letter of support has been received in support of the pub offering food.

1 letter of objection has been received raising concerns with the additional traffic and noise.

These issues have been addressed in the main report above.

### Conclusion

For the reasons set out above, the loss of the existing building cannot be resisted. On balance, the proposed additions and alterations are not considered to have a significant impact on the character and appearance of the listed building. The proposed use through appropriately wording conditions will not result in any material harm to neighbouring amenities. The application is therefore recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: DRG. NO. RLM/19/1, DRG. NO. RLM/17/2B and additional flue information received on 17th July 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to any demolition works, a Level 2 scheme of archaeological building recording shall be undertaken as outlined in Historic England Guidance Understanding Historic Buildings and submitted to and approved in writing by the Local Planning Authority.

Reason - To preserve the record of a listed building due to the demolition works involved in the development.

- 4 Prior to the installation of the flue hereby approved, full sectional drawings showing how the flue will be internally installed between existing joists and rafters shall be provided. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the historic fabric and integrity of the building is preserved.

- 5 Prior to the installation of the flue hereby approved, full details of the design, materials, height and colour finish shall be provided. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the historic fabric and integrity of the building is preserved.

- 6 Prior to any above ground works, drawings to a scale of not less than 1: 20 fully detailing the new windows, roof lights, doors and their surrounds shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include materials, cross sections for glazing bars, sills, heads (as applicable), method of opening and method of glazing. The approved works shall be installed/carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

- 7 Prior to any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of the building and bin storage area (other than those reclaimed from the existing building) shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - To ensure the materials used are sympathetic to the heritage asset.

- 8 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance.

- 9 The restaurant use hereby permitted shall be used wholly ancillary to the existing public house use.

Reason – To ensure the use is appropriate within the locality in the interests of residential amenities.

- 10 The restaurant use hereby permitted shall operate within the existing permitted opening hours of the public house unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the use is appropriate within the locality in the interests of residential amenities.

- 11 Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (as amended), the restaurant use hereby permitted shall not offer a separate Class A5 Hot Food Takeaway service.

Reason – To ensure the use is appropriate within the locality in the interests of residential amenities.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.