

## DELEGATED DECISION OFFICER REPORT

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

**Application:** 19/00040/LBC **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 the existing pub building 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

Essex County Council Heritage  
**ORIGINAL COMMENTS**

The application is for change of use of extension approved under 17/01057/LBC to form pizzeria on ground floor.

The building is Grade II listed (List Entry ID: 1261163)  
The listing description states:  
Public house. C18/C19 or earlier. Plastered front, red brick returns. Grey slate roof, hipped to left. Left hip and right ridge chimney stacks. Eaves brackets. End pilasters. 2 storeys. 4 window range of small paned vertically sliding sashes with horns. Left and right simple doorways, that to left blocked.

Based on the information submitted, it is my understanding that the physical changes resulting from the change of use is limited to only internal alterations to a modern extension. On this basis I have no objection to this application.

Essex County Council Heritage  
**AMENDED PLANS/DESCRIPTION COMMENTS**

The application is for proposed demolition of existing outbuilding. Erection of 1.5 storey addition to be used as a pizzeria/takeaway on ground floor with a 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).

It is understood that the form and materiality of the proposed building has been approved under a previous application. The comments below are based on an understanding (as discussed with the applicant) that the proposed elevations will be altered to move the proposed roof light to the rear elevation.

I have no objection to this application. I do suggest the following conditions are attached to any approved application:

- Prior to demolition a 'Level 2' scheme of archaeological

building recording (as outlined in Historic England publication *Understanding Historic Buildings*) is undertaken of the building to be demolished;

- The proposed internal flue will be installed between existing joists and rafters;
- Details of the proposed flue will be provided; and
- Details of samples of external materials and windows, doors and rooflights will be provided.

### 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
19/00039/FUL	Change of use of extension approved under 17/01056/FUL 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

EN23 Development within the Proximity of a Listed Building

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

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 application itself relates to the extension approved under 17/01057/LBC which replaced a dilapidated and irreparable outbuilding/addition located to the rear, southern side of the building.

The pub is a Grade II listed building described within the listing description as follows:

Public house. C18/C19 or earlier. Plastered front, red brick returns. Grey slate roof, hipped to left. Left hip and right ridge chimney stacks. Eaves brackets. End pilasters. 2 storeys. 4 window range of small paned vertically sliding sashes with horns. Left and right simple doorways, that to left blocked.

### Description of Proposal

The application seeks listed building consent for the erection of a replacement 1.5 storey addition at variance to the previously approved 17/01057/LBC.

This is a variation to the use of the previously approved 17/01057/LBC and also includes the installation of an extraction flue through the existing rear extension.

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 full application under reference 19/00039/FUL.

### Assessment

The only consideration as part of this application is the impact upon on the character, appearance and historic fabric of the listed building.

Paragraph 189 of the National Planning Policy Framework 2018 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. 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 on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. It goes on to say that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

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 PPL9 of the emerging Tendring District Local Plan Publication Draft 2017 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.

The principle of demolishing and re-building the outbuilding and shed has been established through the approval of the previous permission.

Though the approved extension has been designed to be a sympathetic rebuild of the existing outbuilding on site, as a modern addition, this part of the building will be of no historic or architectural significance. The change of use is limited to only internal alterations to a modern extension with the proposed internal flue to be installed between existing joists and rafters of the other modern addition to the rear of the main building.

Place Services Historic Environment Manager has provided comments on the application relating to the re-location of the roof light, the route of the flue and the submission of flue details. As there remains an extant permission for the 1.5 storey extension with the roof light to the front, it would be unreasonable to insist upon this change under this current application. Furthermore, the insertion of a rear roof light is likely to result in a harmful neighbouring impact.

In terms of the route and design of the flue, these will be controlled by condition.

Place Services Historic Environment Manager has also requested a Level 2 building record to be made prior to any demolition which will be imposed. This was not a requirement at the time the previous application was made and is now considered appropriate to the development.

The proposals are not considered to result in a harmful impact upon the character or integrity of the heritage asset subject to further consideration of precise details controlled by condition.

#### Conclusion

It is considered that the change of use of the ground floor of the approved extension will have negligible impact on the integrity of this heritage asset as it will result in no further loss of historic fabric. The application is considered acceptable in heritage terms and is therefore recommended for approval.

#### **6. Recommendation**

Approval - Listed Building Consent

#### **7. Conditions**

- 1 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 17<sup>th</sup> 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. Informatives**

### Full Permission Required

The proposed works require full planning permission and this approval does not allow the works to be carried out in full, only giving listed building consent