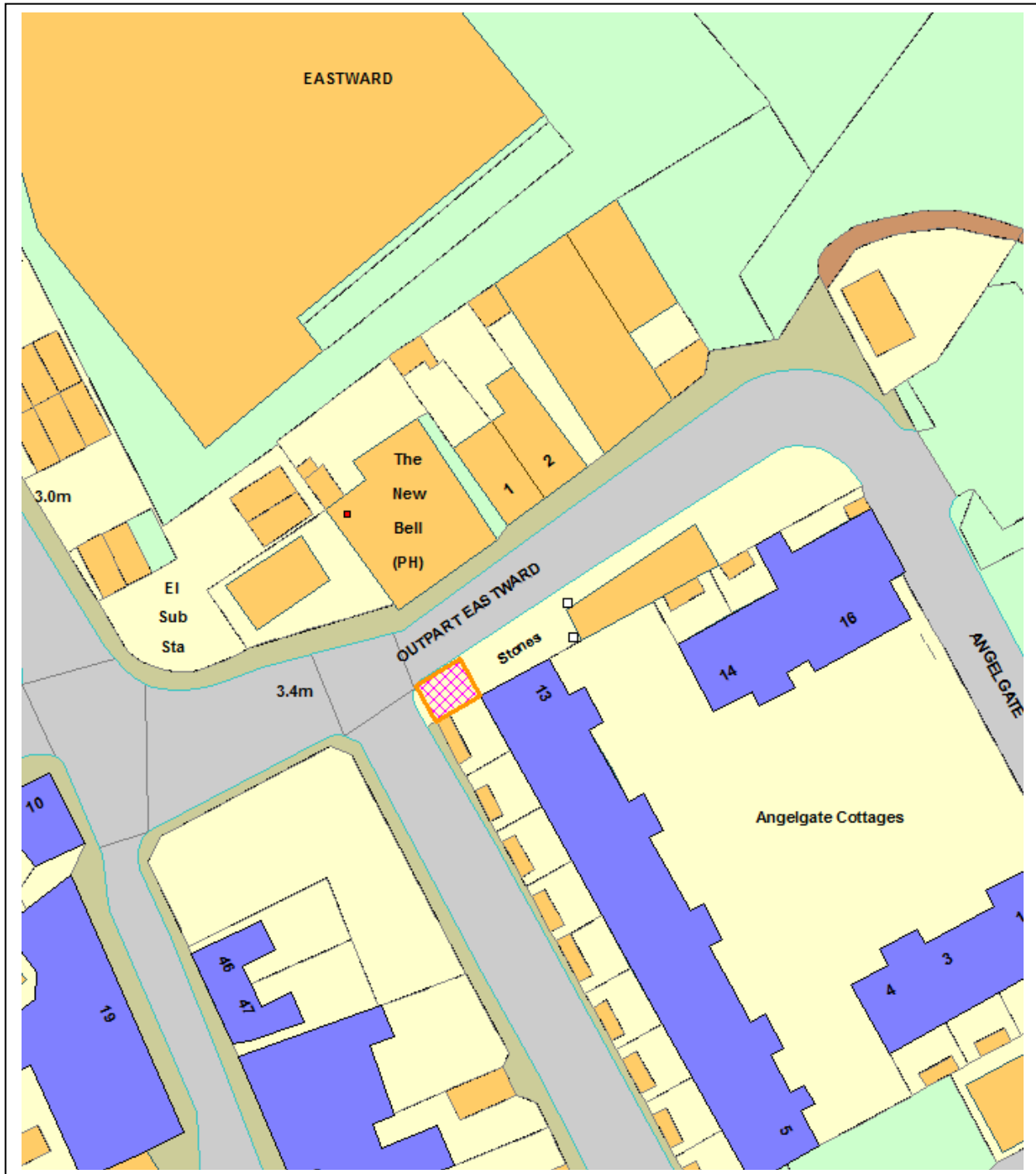


PLANNING COMMITTEE

28 February 2017

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATION - 16/01873/FUL - THE NEW BELL INN OUTPART EASTWARD HARWICH CO12 3EN**



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<b>Application:</b>	16/01873/FUL	<b>Town / Parish:</b> Harwich Town Council
<b>Applicant:</b>	Ms Pamela Walsh - The New Bell Inn	
<b>Address:</b>	The New Bell Inn Outpart Eastward Harwich CO12 3EN	
<b>Development:</b>	Continued Use of part of the carpark as outside seating area.	

## 1. Executive Summary

- 1.1 The application is referred to Planning Committee as the land is owned by T.D.C and leased to the applicant.
- 1.2 The land was a former car-parking area adjacent to the high boundary wall of the adjacent cottages, and the use was changed last year to an outdoor seating area similar to a beer garden, in association with the New Bell Inn P.H opposite.
- 1.3 The site lies with the defined settlement boundary of the saved Local Plan and within a mixed area close to the Town Centre, but with nearby residential property.
- 1.4 The site provides a useful addition to the public house which the applicant indicates is essential to their business, and adds to the vitality of the town centre and boosts tourism.
- 1.5 The design, siting and scale of the modest seating area is considered acceptable with no material harm to visual or residential amenity, the character/setting of Heritage Assets, or highway safety. The application is therefore recommended for approval.

### **Recommendation: Approve**

#### **Conditions:**

- 1) Development in Accordance with Approved Plans
- 2) Opening times (09.30 – 20.00hrs in any one day) and no live or amplified music within seating area
- 3) External seating, tables and other paraphernalia to be removed when not in use

## 2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER13 Employment Use in Residential Areas

ER16 Tourism and Leisure Uses

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN30 Historic Towns

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP8 Tourism

PPL8 Conservation Areas

PPL9 Listed Buildings

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

### **3. Relevant Planning History**

N/A

#### **4. Consultations**

<b>Building Control and Access Officer</b>	No adverse comments at this time.
<b>Environmental Health</b>	No adverse comments to make on this application.
<b>Regeneration</b>	The Regeneration Team supports this application as not only will it provide a further full time job with the addition of the outside seating area, they are confident it will also further enhance a pleasant ambiance for their customers.

#### **5. Representations**

5.1 Harwich Town Council has no objection to this application, and a petition of 121 names has been submitted, supporting the proposal. The petition indicates that noise from the summer seating on the patio would be minimal, and no-where near as noisy as Church Street on a Friday/Saturday night.

5.2 One individual letter of support states:-

- I live immediately opposite the area in question, which is in direct line of sight from my kitchen (ground floor) and office (first floor) windows. During the time the area was in use I rarely observed more than three or four people at a time using the area, and certainly did not notice much noise
- On the rare occasions that loud noise (such as live music) from the pub has caused any distress we have raised our concerns with the management and our complaints have always been accepted and taken seriously
- I have no doubt that the management will comply with any reasonable restrictions and deal properly with any justified complaints raised by neighbours
- I support the application - the area needs more facilities to encourage visitors to stay and enjoy the town (and spend their money).

5.3 One individual letter of objection has been received from the adjacent resident which states:-

- I live next door and have been working for months to get the tables/chairs removed due to the negative impact they have, ever since they appeared in April 2016 work locally and start at 4am, and walk to work as there is no public transport at that time
- I also work weekends, and have been unable to sleep due to people drinking and talking nearby
- The outside seating results in the front door of the public house being used frequently as people go back and forth across the road, and when live music is played in the pub, the noise level is intolerable
- When I return from work, I am unable to sit outside in my outside area due to the cigarette smoke that comes over the wall, and the loud talking from people sitting outside
- The people using the area forget that there is traffic to the harbour and sailing club, and road safety is a concern as there have been accidents in the past
- People sitting, standing and crossing this road needs careful scrutiny.

#### **6. Assessment**

6.1 The main planning considerations are:

- The Principle of the Use;

- The Impact on Heritage Assets;
- Highway Safety, and;
- The Impact on Neighbouring Amenities.

### **Site Location**

- 6.2 The application site is situated on the southern side of Outpart Eastbound - a narrow road at the Quayside in Harwich, and it is related to, and opposite the New Bell Inn P.H which is on the northern side of the road.
- 6.3 The land is situated within the conservation area, in an area containing numerous listed buildings, and is directly adjacent to the Grade II listed Angelgate Cottages. The cottages are unusual in that they face inwards, and their outbuildings and gardens face towards the highway and are enclosed with a boundary wall some 2.5 m in height.
- 6.4 The application site - formally part of a car-parking area - lies adjacent to the gable wall of No 13 Angelgate Cottages, the end terraced property.
- 6.5 The site is owned by Tendring District Council, and leased to the owner of the public house.
- 6.6 The site is roughly rectangular in shape is approximately 20sqm and is block paved, with a low fence separating the land from the remaining car-parking spaces.

### **Proposal**

- 6.7 The development has already occurred over the summer months, but ceased when the applicant realised that planning permission was required, and the application proposes that the land continues in use as an outdoor seating area - akin to a beer garden - associated with the New Bell Inn P.H opposite the site.
- 6.8 The applicant provides small tables and chairs with seating for around 10-12 customers.
- 6.9 The applicant has indicated as additional information, the following matters:
- We took over the New Bell Inn a year ago, and struggled and needed to expand and increase revenue
  - We approached Tendring DC to rent part of the car-park as a seating are, and have been granted a licence, but was withdrawn as we did not have planning permission
  - In its 5 months usage, the footfall and revenue increased and we were able to take on an employee, install C.C.T.V and provide flower-beds to the area
  - The tables and chairs are put away at 8.00pm or earlier, and we carefully monitor the use of the area, as it is visible from the bar and our upstairs accommodation
  - There is no noise or nuisance, and we received only one complaint, and checking the C.C.T.V footage, the stated incident did not occur
  - When the licence was rescinded, we attracted a 150 name petition - including some close neighbours - supporting the use
  - The pub is located out-of-sight of the main streets and the seating area helps identify our existence, increasing the passing trade
  - It is an attraction that customers enjoy, and apart from The Pier Hotel, there is no other such facility in Old Harwich
  - We hope to increase trade and take on more staff
  - We will abide by any restrictions that are imposed in the interest of local residents, and ensure that the area is monitored by the C.C.T.V

### **The Principle of the Use**

- 6.10 The site falls just outside of the central area of Old Harwich, and is a tourist-related facility that is encouraged by Local Plan policies, and the N.P.P.F is generally supportive of schemes to bring forward employment generating uses that will boost the economy, and it seeks to ensure that the vitality of centres is maintained and enhanced.
- 6.11 As the site falls close to the recognised town centre, and is related to an existing business facility, the proposal raises no other policy concerns.

### **The Impact on Heritage Assets**

- 6.12 The site lies within the boundary of policy EN30 - Historic Towns - which requires an appropriate archaeological investigation before development takes place, however in this instance, the development relates to a use of land, where tables/chairs are brought to, and removed from the site, and as no excavation is involved, any archaeology will be unaffected.
- 6.13 The use falls within the conservation area and adjacent to listed buildings, although the modest nature of the development and the transient nature of the seating/tables would not harm the character of the conservation area or the setting of listed buildings, to any appreciable amount, and the site formerly housed vehicles.
- 6.14 The character and setting of the conservation area/listed buildings would therefore be unharmed and therefore preserved as required by the Act.

### **Highway Safety**

- 6.15 The development is located directly opposite the public house, and whilst there would be some crossing of the highway by customers, this would not be frequent, and traffic movements in the locality are slow-moving and it is a lightly trafficked area.
- 6.16 It is considered that no appreciable highway safety issues would arise as a result of the development.

### **The Impact on Neighbouring Amenities.**

- 6.17 The impact on neighbouring amenity is an important consideration and is assessed in detail below in order to establish the acceptability of the proposal.
- 6.18 The introduction of seating will inevitably generate some visitors with attendant noise and disturbance, however the area is a modest one and the amenity areas of neighbours are situated behind a particularly high and robust wall.
- 6.19 It is unlikely that use would generate any significant noise or disturbance, and the applicant indicates that the seating/tables would be removed after 8.00pm, thereby avoiding any impact on amenity at unsociable hours, and being close to the town centre, such hours of operation are not unreasonable, and the Environmental Health Officer has raised no objections.
- 6.20 The issue of noise/disturbance has been discussed above, and with the substantial boundary wall, and with the suggested conditions it is not considered that any appreciable amenity issues would arise.
- 6.21 The scale of the development and the manner that it would be operated is such that no appreciable loss of amenity would result for the occupants of neighbouring property to the extent that a refusal of permission could be justified.

**Background Papers**

None.