

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	26/07/22
Planning Development Manager authorisation:	JJ	26/07/2022
Admin checks / despatch completed	SH	27.07.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.02.2022

**Application:** 22/00437/FUL **Town / Parish:** Manningtree Town Council

**Applicant:** Mr T Adams

**Address:** The Crown 51 High Street Manningtree

**Development:** External alterations to existing patio area and car park area to create improved pub garden.

### **1. Town / Parish Council**

MANNINGTREE TOWN  
COUNCIL  
03.05.2022

Manningtree Town Council have no objection to the planning application on the basis that the time food service is to be stopped is agreed to be by 8pm - as per the application states that at the moment food service is stopped between 8 and 9pm but this should be made a guarantee as part of the application due to the increased use of the outside space for dining as per the application in consideration for the surrounding neighbours.

### **2. Consultation Responses**

ECC Highways Dept  
26.07.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. The site is situated on the High Street and access to the existing car park is via Quay Street, classed as a local road that is subject to a 30-mph speed limit. The proposal would introduce changes to the existing parking arrangement. Currently the access has a wall either side and gates that open out onto the highway, any gates provided should only open inwards to prevent them from obstructing the adjacent footway. There is evidence of parking taking place in front of the wall, either side of the access, again obstructing the adjacent footway; the proposals would see the removal of the wall and gates, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. There shall be no discharge of surface water onto the Highway from the car park.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

2. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.0

metres and no parking bay shall encroach onto the publicly maintainable highway.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

3. The proposed external alterations shall not be utilised until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

4. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

5. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within, adjacent or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3. Consideration could be given to the provision of planters adjacent to either boundary wall at the beginning of either parking space to ensure they allow enough space between the boundary and parked vehicle, provided they are located off the highway, alternatively, a section of hatching is provided within the marked bay.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex County Council  
Heritage  
20.06.2022 (Comments  
following submission of  
amended plans)

The application is for external alterations to existing patio area and car park area to create improved pub garden. This follows site visit and the submission of revised documents by the applicant.

The proposed site is a 17th Century Grade II listed pub within the Manningtree and Mistley Conservation Area, with a 19th Century extension (no 53 High Street) also included in the listing.

There is no objection to this application, providing that, as agreed with the applicant:

- o The existing boundary treatment between the proposed car park and the new decked seating is reinstated in the new position.
- o External materials to the new BBQ extension to be natural Welsh slate and stained timber cladding.

Essex County Council  
Heritage  
10.05.2022 (Initial  
Comments)

We support the alteration of existing patio to enlarge seating area.

We advise that the existing boundary treatment between the car park and the new patio should be reinstated in the new position.

We advise that the new BBQ area should be built as an extension to the existing store, with improved roof material.

Also, roof material of the new pergola to the outdoor seating area should be improved, we will not support the use of polycarbonate roof finishes.

### 3. Planning History

00/01223/FUL	Minor internal alterations to public house to upgrade bar area and access to that area	Approved	02.11.2000
00/01224/LBC	Minor internal alterations to upgrade bar area and access to that area	Approved	02.11.2000
93/01366/FUL	(The Crown Public House, High Street, Manningtree) a) Refurbishment and extension to existing public house b) Self contained 2 No. existing 1 bedroom flats	Approved	23.08.1994

93/01370/LBC	(The Crown Public House, High Street, Manningtree) a) Refurbishment and extension to existing public house b) Self contain 2 No. existing 1 bedroom flats	Approved	23.08.1994
22/00418/FUL	Proposed change of use of outbuilding from two existing flats (used ancillary to the pub), to create 4no. letting rooms ancillary to pub.	Current	
22/00438/LBC	External alterations to existing patio area and car park area to create improved pub garden.	Withdrawn	14.04.2022
22/00452/LBC	Proposed provision of tented structure over existing patio to provide covered external area for patrons.	Withdrawn	14.04.2022
22/00453/FUL	Proposed provision of tented structure over existing patio to provide covered external area for patrons.	Approved	22.06.2022
22/00536/LBC	Proposed internal alterations to create 4 No. letting rooms ancillary to pub.	Current	
22/01145/LBC	Proposed relocation of the existing bathroom by converting one of the bedrooms into the main bathroom. The existing bathroom will then become an office space.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP5 Employment

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP8 Tourism

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal**

### **Site Description**

The application site is land to the rear of The Crown public house, and lies to the north-eastern section of High Street within the parish of Manningtree. The building is Grade II Listed and falls within the Settlement Development Boundary, and Conservation Area, for Manningtree.

The character of the area is heavily urbanised, with residential and commercial development to all sides. The buildings listing reads as follows:

*"Public house. Of 2 ranges with carriageway between, the left range C17 or earlier, C19 carriageway and right range. Left range, timber framed, C18 painted brick faced, hipped red tiled roof.*

*Carriageway and right range, gault brick faced. Off centre left red brick chimney stack to left range, right and left gault brick chimney stacks to right range. Rear ranges. 2 storeys. Left to right. 4 first floor small paned vertically sliding sashes, gauged brick arches. Left tripartite, centre and right vertically sliding sashes with glazing bars. Doors to right and left of central window, reveal panels, capitals and bases to pilasters, fascia carries over both doors and window. The lower gabled central carriageway with dressed gable, roundel to apex, archway with segmental head. Right range. 3 window range of C19 vertically sliding sashes with glazing bars, stone lintels to ground floor."*

### Description of Proposal

This application seeks planning permission for external alterations to the existing patio and car park area to create for an improved pub garden. The changes proposed are as follows:

- Inclusion of a new non-slip decking area, constructed of Millboard Decking (Driftwood), with bench seating;
- Erection of pergola structure measuring 2.5 metres height; and
- Extension of existing store to provide for a covered BBQ area, constructed of Welsh slate and stained timber cladding.

The works were also submitted as a Listed Building Consent application (reference 22/00438/LBC), however the proposals do not involve alterations to the Listed Building itself and therefore Listed Building Consent is not required and the application was withdrawn.

### Site History

Alongside the submission of this planning application, two further applications (references 22/00418/FUL and 22/00536/LBC) were submitted to convert the adjacent two residential flats into four letting rooms. These applications are both also under determination at the time of writing.

Further, in June 2022 under reference 22/00453/FUL planning permission was granted for the provision of a tented structure over the existing patio to provide cover for the external area for patrons.

### Assessment

#### 1. Principle of Development

Policy PP8 of the Tendring District Local Plan 2013 - 2033 states that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan. It is therefore considered that the works involved in this application will serve to benefit this public house and as such will result in a small, but important, boost to the district's tourism offering. Accordingly the principle of development is acceptable subject to the detailed considerations below.

#### 2. Heritage Impacts

Paragraph 198 of the NPPF 2021 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and Paragraph 202 confirms that 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 including, where appropriate, securing its optimum viable use.

Adopted Policy PPL9 (Listed Buildings) of the Tendring District Local Plan states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

Adopted Policy PPL8 (Conservation Areas) states new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The application site is a Grade II Listed Building and also falls within the Manningtree Conservation Area. Essex County Council Place Services (Heritage) have been consulted and initially raised no objections but advised that the existing boundary treatment between the car park and the new patio be reinstated in the new position, the new BBQ area be built as an extension to the existing store with improved roof material, and the roof material of the new pergola to the outdoor seating area be improved.

Following these comments, amended plans were submitted and the Heritage Team commented as follows:

*"The proposed site is a 17th Century Grade II listed pub within the Manningtree and Mistley Conservation Area, with a 19th Century extension (no 53 High Street) also included in the listing.*

*There is no objection to this application, providing that, as agreed with the applicant:*

- The existing boundary treatment between the proposed car park and the new decked seating is reinstated in the new position.*
- External materials to the new BBQ extension to be natural Welsh slate and stained timber cladding."*

Given the above comments, there are no concerns that the proposal will harmfully impact either the character and appearance of the Conservation Area, or the setting of the Grade II Listed Building. The amended drawings highlight that impacted areas are to be made good following works, and the agent for the application has also confirmed in writing that the materials used for the new BBQ extension are to be Welsh slate and stained timber cladding. A condition will be included to ensure the development is carried out in accordance with the approved drawings and subsequent confirmation by the agent as outlined above.

### 3. Visual Impacts

Paragraph 130 of the NPPF (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposal results in largely minor alterations to the rear patio area of The Crown. While this area of the site is located to the rear, it is acknowledged there are clear views from Quay Street to the north. However, there will be no significantly harmful impacts to visual amenity or the character of the surrounding area, with the designs purely seeking to enhance the existing patio area.

### 4. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The surrounding area consists of a mixture of commercial and residential properties. The changes being proposed are all of a relatively minor nature in scale, and therefore in themselves would not

result in overlooking or loss of daylight/sunlight issues, or appear oppressive. The works do have the potential to see the patio area more frequently occupied and as such result in noise disturbances. However, given the works are largely upgrades to the existing patio area the noise increase would not be to a significant extent. Further, it must also be acknowledged there is potential for noise from patrons using the existing public house garden regardless of the determination of this planning application, and therefore there is not considered to be significant harm to neighbouring amenities to warrant recommending a reason for refusal.

## 5. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted and have stated they have no objections subject to the inclusion of conditions relating to no discharge of surface water onto the highway, minimum dimensions for parking spaces, cycle parking provision, and the storage of building materials. These will be recommended as planning conditions.

### Other Considerations

Manningtree Town Council have no objection to the planning application on the basis that the time food service is to be stopped is agreed to be by 8pm - as per the application states that at the moment food service is stopped between 8 and 9pm but this should be made a guarantee as part of the application due to the increased use of the outside space for dining as per the application in consideration for the surrounding neighbours.

In response to this, a condition will not be imposed as patrons are able to eat outside under the current arrangement.

There have been numerous letters of representation received from one objector, namely with the following concerns:

1. The current shrub bed and wall protect the neighbouring property from vehicles - the plans do not show this as retained which would expose the building;
2. There has been no mention of a party wall agreement;
3. Proposals leave neighbouring property more exposed to damage from traffic; and
4. No mention of the location of waste storage.

In answer to these points, the impacts of the proposals to neighbouring amenities have been discussed within the main body of the report above. However, in response to Point 2, party wall agreements are a matter outside of the Planning system and therefore do not form a material planning consideration. In terms of the other points, the application is for alterations to the external patio area and therefore it would not be reasonable to request details of the waste storage for the wider site, while Essex Highways Authority have raised no objections to the proposal and there is therefore no evidence before Officers to demonstrate the proposal would expose neighbouring properties to vehicular damage. A condition is recommended for parking bays to be of a larger size when bounded by walls or other construction.

### Conclusion

The application represents a small, but important, boost to the district's tourism offer, and as such the principle of development is acceptable. No harm has been identified in relation to the visual and heritage impacts, harm to neighbouring amenities or highway safety. Accordingly the development is policy compliant and therefore recommended for approval.

## **6. Recommendation**

Approval.

## **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;

Drawing Number 2386-105 (Site Plans), 2386-100 (Existing Site Plan), 2386-104 A (Proposed Site Plan) received 5th July 2022, the document titled 'Design and Access and Heritage Statement', and the email confirmation dated 17th June 2022 from the agent of the application confirming the materials to be used in the construction of the BBQ extension.

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

- 3 There shall be no discharge of surface water onto the Highway from the car park.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 4 Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.0 metres and no parking bay shall encroach onto the publicly maintainable highway.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 5 The proposed external alterations shall not be utilised until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 6 The Cycle/Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle/powered two-wheeler parking is provided in the interest of highway safety.

- 7 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

## **8. Informatives**

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives:

1. All work within, adjacent or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3. Consideration could be given to the provision of planters adjacent to either boundary wall at the beginning of either parking space to ensure they allow enough space between the boundary and parked vehicle, provided they are located off the highway, alternatively, a section of hatching is provided within the marked bay.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.