

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	26.07.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.07.2022

Application: 22/00418/FUL

Town / Parish: Manningtree Town Council

Applicant: Mr T Adams

Address: The Crown 51 High Street Manningtree

Development: Proposed change of use of outbuilding from two existing flats (used ancillary to the pub), to create 4no. letting rooms ancillary to pub.

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

Environmental Protection
11.04.2022

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

Noise:

In order to minimise potential nuisance caused by any demolition and construction, Environmental Protection recommend that the following below is conditioned;

o No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

o No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

ECC Highways Dept

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, no new or altered means of access is proposed as part of this application. It is noted that the works are of a minor nature – formation of two number ensuite bathrooms and associated partitions and the opening up of one section of wall, considering these factors:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within 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

2: 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
10.05.2022 (Initial
comments)

We generally support the conversion of the flats into letting rooms ancillary to pub.

At Ground floor, we do not support the proposed layout to convert the existing kitchen into en-suite and children room as this will affect the legibility of the room, and proposed this is retained as one room. We don't have objection to the new opening between this en-suite and bedroom 1, however we recommend that the original door to the hallway is blocked and retained.

At First Floor, we do not support the new en-suite to bedroom 4 as, again, this will affect the legibility of the original layout of the room, and we recommend this room is also retained as it is.

The internal doors are modern addition and therefore there would be no objection to their replacement, however we advised that details of new doors as well as any new built-in joinery could be submitted as part of this application in order to avoid any conditions at approval.

Essex County Council
Heritage
06.07.2022 (Comments
following amended plans)

The application is for proposed change of use of outbuilding from two existing flats (used ancillary to the pub), to create 4no. letting rooms ancillary to pub. This follows site meeting with the applicant to review the original proposal and submission of revised drawings.

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.

The proposed change of use of this heritage asset would undoubtedly cause some degree of harm, however, as per Paragraph 197a, in determining applications, local planning authorities should take

account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The proposal for the conversion of the outbuilding is considered to preserve the special interest of the listed building, as per Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is therefore acceptable.

It is recommended that all the new joinery design is in keeping with the character of the building. All original historic features shall be retained.

There are no objections to this application, subject to the following conditions:

o Prior to commencement of any work, a schedule of repair (where appropriate) and a method statement explaining how the original building will be protected by any damage due to ongoing building works, shall be submitted and approved in writing by the Local Planning Authority;

o Prior to installation, a schedule of drawings that show details of all proposed doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such;

o Prior to installation, a schedule of drawings that shows detail of built-in joinery (where required) shall be submitted to and approved in writing by the Local Planning Authority;

o Prior to installation, specifications of all proposed external features, including rainwater goods, ventilation outlets shall be submitted to and approved in writing by the Local Planning Authority. All proposed external features shall be black painted or powder-coated metal and shall be permanently maintained as such.

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

22/00437/FUL	External alterations to existing patio area and car park area to create improved pub garden.	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
22/00535/FUL	Proposed internal alterations to create 4 No. letting rooms ancillary to pub.	Approved	
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

PP9 Hotels and Guesthouses

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.

5. Officer Appraisal

Site Description

The application site is 51 High Street, which is sited adjacent to 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 the change of use of from two existing flats to create four letting rooms.

The works involve no external alterations, with all internal alterations considered within concurrent listed building consent reference 22/00536/LBC.

Assessment

1. Principle of Development

Adopted Local Plan Policy PP9 (Hotels and Guesthouses) confirms the Council will support proposals for new hotels and guesthouses within defined centres, and for visitor accommodation that is provided in the upper floors of public houses.

Adopted Local Plan Policy PP8 (Tourism) 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.

The application site falls within the defined centre and settlement development boundary of Manningtree, and while it does not fall above The Crown public house, it is ancillary accommodation sited directly adjacent. The proposal represents a small, but important, improvement to the District's tourism offer in accordance with Policy PP9 and therefore the principle of development is acceptable subject to the detailed considerations outlined 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. There are no external alterations proposed to the building, with all internal alterations assessed under the concurrent listed building consent application (reference 22/00536/LBC). Essex County Council Place Services (Heritage) do not raise any objections, and given that there are no external changes it is considered there is a neutral impact to the character and appearance of the Conservation Area, and to the setting and character of the Grade II Listed Building.

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 purely relates to the change of use of the building from its existing residential use to letting rooms, with no external alterations involved. As such, while the site is within a highly prominent town centre location, there will be a neutral visual impact.

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. While the change of use is within close proximity to some residential properties, it is also acknowledged there are no external alterations proposed and the use proposed will not be a significant intensification to the existing residential use. Given this, and that the site is within a busy town centre location (including the adjacent public house), there is not considered to be any significant harm to existing amenities in respect of loss of privacy, loss of daylight/sunlight or any noise disturbances.

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 that as no new or altered means of access is proposed, and the works involved are of a minor nature, they raise no objections.

Furthermore, the Essex County Council Parking Standards (2009) set out the parking requirements for new development, and confirm that for Use Class C1 (Hotels) there is a requirement for one vehicular parking space per bedroom, measuring a minimum of 5.5 metres x 2.9 metres. Therefore on this occasion there is a requirement for four parking spaces. The submitted plans do not demonstrate any parking provision, however it is acknowledged there is provision within the wider site to the north for four parking spaces that falls within the red line boundary of this application. Whilst this is shared with potential customers of The Crown, this still represents some form of parking provision. Regardless of this it is acknowledged the site is within a highly sustainable town centre location within good walking distance to nearby facilities and amenity areas. Given this, and that the proposal does not result in a significant intensification to parking requirements from the current baseline position, on balance there is not considered to be such harm that it would warrant recommending a reason for refusal.

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, this is not a material consideration that forms part of the assessment of this particular planning application.

There have been no other letters of representation received.

Conclusion

The application site falls within a recognised settlement development boundary and 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 2386-003B and document titled 'Design and Access and Heritage Statement'.

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

- 3 No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency), and working hours shall be restricted between 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on a Saturday, with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

Reason - To minimise potential nuisance caused by any development works, in the interests of neighbouring amenities.

- 4 No materials produced as a result of the site development or clearance shall be burned on site.

Reason - To minimise potential nuisance caused by any development works, in the interests of neighbouring amenities.

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 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

2: 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.