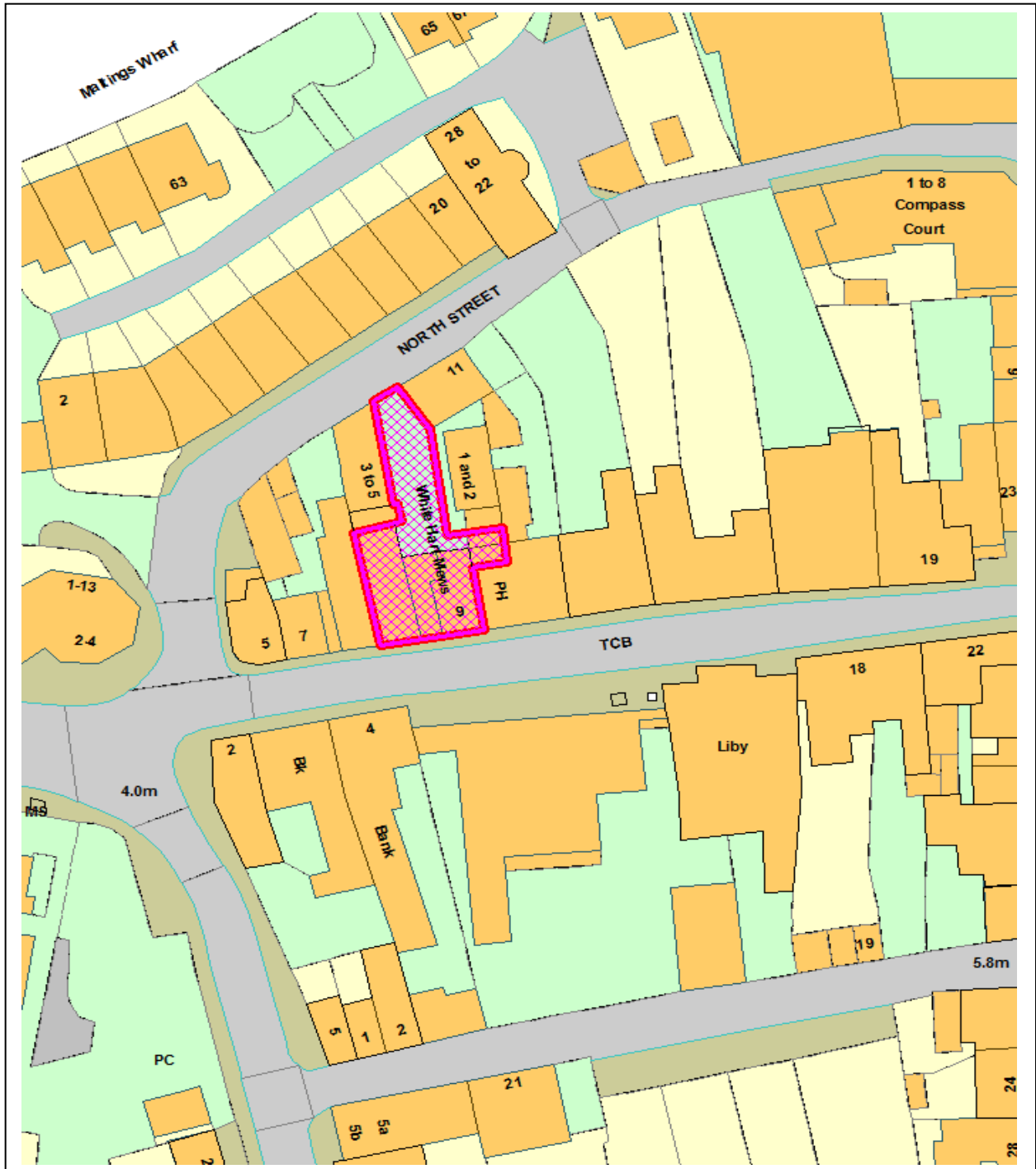


PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 14/01863/FUL - THE WHITE HART, 9 HIGH STREET, MANNINGTREE, CO11 1AG



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Application:	14/01863/FUL	Town / Parish: Manningtree Town Council
Applicant:	Mr T Newman	
Address:	The White Hart, 9 High Street, Manningtree, CO11 1AG	
Development:	Change of use of ground floor of property from a public house to residential to enable the entire property to be used as a residential unit	

1. Executive Summary

- 1.1 This application has been brought to Planning Committee at the request of Cllr. C. Guglielmi and Cllr. A. Coley who object most strongly to a loss of a business in a primary position of Manningtree. With around 1200 homes which have already been given permission, the last thing Manningtree needs is further residential premises in a High Street, where there is a compelling need of attractive retail units. Furthermore, they are not convinced that the owner has been fully committed to retain these premises in its current use.
- 1.2 This application seeks planning permission for the change of use of the ground floor of The White Hart, High Street, Manningtree from a public house to enable the entire property to be used as a residential unit.
- 1.3 The application site is situated to the north of Manningtree High Street. It comprises of a Grade II listed building used as The White Hart Public House. The site is situated within the Town Centre, the Primary Shopping Frontage and the Conservation Area.
- 1.4 Whilst the loss of the Public House is unfortunate, it is considered that there is adequate provision of similar facilities within 800m. The Skinners Arms is situated approximately 100 metres from the site and within 200 metres there are two further public houses; The Crown and The Red Lion. The proposal therefore meets the relevant criteria set out in Policy COM3 of the Saved Plan.
- 1.5 The property has been marketed for 13 months. The marketing campaign carried out does not meet the exacting requirements of Policy ER3 of the Saved Plan; however, what has been carried out is not considered to be an unreasonable marketing campaign. Nevertheless, it is considered that any concerns are outweighed by the benefits of finding a long-term viable use for the listed building, a requirement of the Planning (Listed Building and Conservation Areas) Act 1990.
- 1.6 The site is located within the defined Town Centre and an area designated as Primary Shopping Frontage. Policy ER31 of the Tendring District Local Plan 2007 states that 'development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted'. It is considered that as there is still a choice of other similar facilities within the town centre that the proposal would not significantly affect the vitality or viability of the town centre.
- 1.7 The only alterations proposed to the internal and external appearance of the building are the removal of bar area and the replacement of the kitchen facilities. These are not original features and therefore there is no objection to their removal. No other changes to the fabric of the listed building are proposed as part of this application.

- 1.8 The submitted plans show that 2 car parking spaces will be provided to the rear of the site, this number is in accordance with the Councils Adopted Parking Standards. Notwithstanding this, the site is within the town centre in a highly sustainable location where there is good access to local facilities and public transport links.
- 1.9 On balance, the application is recommended for approval.

Recommendation: Approve

Conditions:

- Standard Time Limit for implementation
- In accordance with approved plans

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

ER33 Non-retail Uses Within Primary Shopping Frontages

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

COM3 Protection of Existing Local Services and Facilities

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

EN30 Historic Towns

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

PP3 Village and Neighbourhood Centres

PP5 Town Centre Uses

PPL1 Development and Flood Risk

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

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 14th 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

00/01693/LBC	Alterations to buildings in association with provision of five hotel guest suites including installation of replacement windows. Retention of staircase and replacement partition walls	Approved	23.08.2001
01/01849/LBC	Removal of internal wall to enable bar area to be extended	Approved	18.07.2005

4. Consultations

Regeneration

The Regeneration Team strongly object to the loss of this very important community facility which is within the protected primary retail area.

A change of use to residential in this area would, in our view, be detrimental to the health and vitality of the town centre.

Whilst we acknowledge the marketing campaign that has been run, we are unaware of any local marketing that could have attracted interest from smaller independent operators.

The current business is only open on a Friday and Saturday evening, thus restricting their offer to local residents and tourists and not capitalising on their location or historic building.

The conversion to residential would also result in the loss of several part time jobs.

Environment Agency

Although the application is for change of use, the proposals do not result in an increase in vulnerability as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore the Environment Agency has no comment to make.

5. Representations

- 5.1 Manningtree Town Council object to the application as it results in the loss of a business unit in the town.
- 5.2 Tendring CAMRA, the Campaign for Real Ale, object to the application which, if approved would result in the loss of another public house in the Tendring District. The reasons are as follows:
- 5.3 In general terms, they share the deep national concern that now exists about the loss of public houses and, indeed, about the survival of the British Pub as an institution and a social asset. Retention of pubs allows them to continue to:
 - Meet the needs of differing communities by maintaining a healthy and varied choice for the consumer;
 - Ensure a place of informal social meeting, eating and drinking;
 - Provide a place of employment for the Landlord and family and in many cases full and part time staff;
 - Enliven the local economy through purchasing from other local outlets/shops and bringing visitors to the local area.

5.4 In particular as regards the application for this Public House;

- The conversion of this historic building to a residential house would be out of keeping with everything else in the immediate vicinity, which mainly consists of shops and offices;
- Are unaware that any consultation has been made involving the local community as to the potential loss of the building as a public house;
- Section 18 of the application states that there will be no loss of 'non-residential floor space'. This is incorrect as the loss of the public house should be described as a loss of non-residential floor space;
- Note that previously the building has been used as a Bed and Breakfast establishment. No mention is made of the loss of this facility on the application;
- No mention is made of the loss of employees due to the closure of the pub;
- Have been informed that another publican believes that this could be a viable pub. The fact that another publican is against the loss of the pub, when in theory it should mean more business for them, is encouraging for the future potential of the pub under the right management;
- Note that the current owner of the property has stated that he has been unsuccessful in running a profitable business; we are unaware of the property being marketed as a freehold pub and believe it should at the very least be subject to the CAMRA viability test.

5.5 Manningtree District Business Chamber object to the application as with the growing number of houses in the Manningtree area it is not the time to be losing a business space in the very centre of the High Street.

5.6 In addition to the above comments, a further 54 letters of objection have been received which raise the following concerns:

- This is a historical building in a prime location in the High Street which should stay as commercial and no residential as this will have a detrimental effect on the High Street.
- Businesses are needed to keep the town alive.
- If the site is not practical for a pub it could be used for other business premises.
- Need the jobs and the choice of places to go for entertainment.
- To lose another pub would change the character of Manningtree.
- The High Street has been designated a Primary Shopping Area and comes under the Primary Frontages Policy in the soon to be adopted draft local plan, allowing residential development and the resulting loss of frontage would clearly fly in the face of this policy.
- The proposal would adversely affect the town by diminishing primary business frontage in the heart of the main shopping area.
- Despite the current trend towards out of town shopping and indeed socialising, Manningtree continues to punch above its weight in terms of shopping facilities and opportunities for social interaction, this needs to be supported and the loss of The White Hart as a public hostelry would be a big blow in maintaining the town centre as a vibrant and sustainable hub.
- There is a covenant for the High Street that all lower ground properties should be kept as retail. If one retail outlet is allowed to change it will result in the loss of the High Street.
- There is clearly a need for commercial floor space as there are no vacant shops and just 1 vacant commercial property in the High Street.
- The price it was marketed for was too high.
- The proposal would further reduce the retail element of the high street at a time when Tendring District Council are actively committed to the protection and regeneration of high streets as part of the local plan.
- Applications for large scale residential developments have been permitted; therefore the town will need more amenities and services.

- Given that the pub is closed for at least 3 days each week, it is unsurprising that a customer base has not been sustained and the trading is at a low level.
- The alterations undergone have compromised the available space both outside and inside the pub.
- The success of nearby pubs would serve to indicate that where a pub is well run and open for business good results and viability can be obtained. The success of these premises increases the footfall in the locality thereby opening up the possibility for the White Hart to return to viability.
- This large size of commercial unit in Manningtree is rare and should be retained to enable the High Street to offer a more diverse range of businesses.
- There is only one High Street, but plenty of other areas available for residential use.
- The pub has been open since the 1800's and is an intrinsic part of the town.
- There is huge potential of employment and contribution to the local area that is not being drawn upon.
- Loss of tourism
- Loss of employment to the local area.
- There is no parking for this as a residential property.
- The White Hart is a grade II listed building and even the current boarding up and removal of signs has considerably altered the character of the building.
- Would have a detrimental heritage impact.
- The White Hart is one of only three secular Grade II listed buildings in the town singled out as a building of local note across the District of Tendring. It is an important building for the town and is one of only three possible surviving public buildings of pre-1600 date (Manningtree Historic Towns Assessment Report 1999); the use of it as a hotel or public house is a long-standing prominent feature of the town.

5.7 6 letters of support have been received which raise the following issues:

- The local community did not support the public house
- There are too many pubs in the town for the number of people that want or can afford to drink in them.
- The pub was always clean and welcoming
- Landlord has tried wholeheartedly to make the pub work – the prices were the cheapest and there were bands on most weekends to try and attract trade and it was completely renovated.
- As a house the Grade II listed building will be saved in good condition.
- The owner has tried to sell it, marketing it as a pub as well as having the potential for alternative business ventures but no takers.
- An establishment of this size has massive overheads as well as competing with 3 very busy pubs already in the town.

6. Assessment

Site Location

- 6.1 The application site is situated to the north of Manningtree High Street. It comprises of a Grade II listed building formally used as The White Hart Public House. It has been closed for approx. 2 years.
- 6.2 The site is situated within the Town Centre, the Primary Shopping Frontage and the Conservation Area. Being in a town centre location there are a mixture of uses within the vicinity, predominately commercial uses at ground floor level.

Proposal

- 6.3 This application seeks planning permission for the change of use of the ground floor of The White Hart, High Street, Manningtree from a public house to enable the entire property to be used as a residential unit.

Main Planning Considerations

- 6.4 The main planning considerations are:

- Principle of Development;
- Loss of Public House;
- Loss of Employment;
- Impact on Town Centre/Primary Shopping Frontage;
- Flood Risk;
- Impact on Heritage Assets;
- Loss of Employment;
- Impact on Neighbours Amenities; and,
- Parking.

Principle of Development

- 6.5 The site is situated within the Settlement Development Boundary and defined Town Centre of Manningtree. Paragraph 23 of the NPPF indicates that within town centres local planning authorities should 'recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites'.
- 6.6 The NPPF and Local Plan Policies direct new development (including housing) to sustainable locations within the larger towns and village. The site is a highly sustainable location for new housing development, in close proximity to services, jobs and public transport links.
- 6.7 In principle the location is considered acceptable for residential development, subject to other considerations discussed below.

Loss of Public House

- 6.8 It is a core planning principle within the National Planning Policy Framework that planning should take account of and support local strategies to improve social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs. Specific reference is made to pubs in Section 3 which states that local plans should 'promote the retention and development of local services and community facilities in villages (including) public houses'. Section 8 states 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision of community facilities including public houses.... And should guard against the unnecessary loss of valued facilities and services....'.
- 6.9 Policy COM3 of the Tendring District Local Plan 2007 deals with the protection of existing local services and facilities. The Policy states that:
- (i) In order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless:
- a) It provides replacement facilities within reasonable walking distance of an equal benefit, which are readily accessible to local people and served by viable public transport; or

b) There is adequate provision of similar facilities within reasonable walking distance (800m); or,

c) It has been demonstrated that there is no longer a local need for the facility or it is no longer viable, and that where appropriate reasonable attempts have been made to sell or let the premises for continued operation in its existing or last use without success.

(ii) The partial redevelopment or change of use of a facility will only be permitted providing that it will not prejudice the viability or future operation of that facility.

6.10 Whilst the loss of the Public House is unfortunate, it is considered that there is adequate provision of similar facilities within 800m. The Skinners Arms is situated approximately 100 metres from the site and within 200 metres there are two further public houses; The Crown and The Red Lion. It is therefore considered that the proposal meets criteria b, as set out above.

6.11 The policy does set out other criteria a) and c) above. However there is only a requirement to meet one of the criteria and not all. On this basis it is considered that a principle objection to the loss of the public house cannot be reasonably justified.

Loss of Employment

6.12 Policy ER3 of the Saved Plan states seeks to protect employment sites from other uses. Appendix 3 of the Saved Plan includes pubs, wine-bars and other drinking establishments as employment uses. The policy states that 'the Council will ensure that land in, or allocated for employment uses will normally be retained for that purpose. Its redevelopment or change of use for non-employment purposes will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use. The applicant should either:

- submit evidence of a sustained but ultimately unsuccessful marketing exercise undertaken at a realistic asking price; or
- show that the land, site or premises is inherently unsuitable and/or not viable for any form of employment use.

6.13 The policy then goes onto state that if the re-use of an employment site is permitted, the applicant would be expected to provide an alternative employment site elsewhere in the District or contribute to the Council's employment, training or re-generation programmes.

6.14 Appendix 3a of the Saved Plan sets out the requirements of the marketing exercise required; amongst other criteria it states that marketing campaigns should be undertaken for the period of at least one year.

6.15 Information submitted as part of this application states that marketing was undertaken for 13 months between March 2015 and April 2016. The sales particulars provided shows that the property was marketed on a freehold basis for offers in the region of £475,000 as a public house, but the particulars did refer to the fact that the building may be suitable for alternative uses specific uses mentioned were A1 (shops), A2 (financial and professional services) or A3 (restaurants and cafes). A letter from Christie and Co provides a summary of the key points of the marketing campaign which are as follows:

- Website entry generated 960 hits
- Sales particulars e-mailed to 1,473
- Prominent Christie and Co general adverts in the leading licensed trade magazines (Publican's Morning Advertiser and Hotel and Caterer) promoting traffic to the website
- Sales particulars regularly sent out to new buyers registering on the database.

- 6.16 The letter from Christie and Co confirms that the marketing campaign did not generate any formal viewings or offers.
- 6.17 Correspondence has also been submitted from a firm of Chartered Accounts which state that the Public House is occurring losses and has not been profitable since Nov. 2011.
- 6.18 The marketing campaign was carried out for the required amount of time; concerns regarding it have been raised by the Council's Regeneration Team and some letters of objection. The Council's Regeneration Team state that they were 'unaware of any local marketing that could have attracted interest from smaller independent operators.' Other concerns raised are with regard to the price at which the property was marketed.
- 6.19 Paragraph 32 of the NPPF states that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'
- 6.20 It appears that the marketing campaign does not meet the exacting standards of Policy ER3 as set out in Appendix 3a of the Saved Plan; in that the marketing campaign, including the price was not agreed with the local authority prior to it taking place and the property was not offered on a leasehold or freehold basis, it was only advertised for freehold. The above paragraph of the NPPF suggests that such policies should not be applied dogmatically. The marketing campaign that has been carried out is not considered to be unreasonable and meets most of the relevant criteria. From a search of local similar premises for sale or recently sold the price it was advertised for does not seem unrealistic.
- 6.21 It is considered that by forcing the retention of the building as a public house or a commercial use that has not been forthcoming despite a marketing campaign; that there is potential for the building to remain vacant. If the building remains vacant this could potentially impact on the future of the listed building. The protection of such buildings and their long-term future is a statutory duty placed on Local Planning Authorities by the Planning (Listed Building and Conservation Areas) Act 1990 and as such outweighs any development plan policy considerations.
- 6.22 Whilst there are some small queries over the marketing campaign that was undertaken it is considered that these are outweighed by the benefits of finding a long-term viable use of the listed building.

Impact on Town Centre/Primary Shopping Frontage

- 6.23 The site is located within the defined Town Centre and an area designated as Primary Shopping Frontage. Policy ER31 of the Tendring District Local Plan 2007 states that 'development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted'. It is considered that as there is still a choice of other similar facilities within the town centre that the proposal would not significantly affect the vitality or viability of the town centre.
- 6.24 Policy ER33 of the Tendring District Local Plan 2007 sets out criteria by which proposed for change of use from A1 shops at ground floor level to Classes A2 – A5 will be permitted within Primary Shopping Frontages. This policy seeks to protect the retailing vitality and viability of a centre. This proposal does not apply in this case as the site is a non-retail use in any event.

- 6.25 Policy PP5 of the Emerging Plan states that within the Primary Shopping Area, proposals for development will be permitted where they:
- a. are for main town centre uses, as defined by the NPPF; or,
 - b. will promote the vitality and viability of the centre, including proposals for residential development; or,
 - c. will involve the conversion or re-use of upper floors; and/or,
 - d. deliver high quality active ground floor frontages; and,
 - e. within the Primary Shopping Frontages A1 uses (shops) comprise at least 70% of the shopping frontages; and,
 - f. within the Secondary Shopping Frontages main town centre uses remain dominant.
- 6.26 The definition of main town centre uses in the NPPF does not include residential use. However, point b of the policy refers to proposals for residential development. It is accepted that the proposal would not promote the vitality and viability of the centre and the proposal is therefore contrary to Policy PP5. However, this is an emerging policy and therefore can be given limited weight. Furthermore, there is a policy within the Saved Plan (COM3) which deals specifically with the loss of local facilities and it is considered that this should be given more weight as it is a Saved Policy.

Flood Risk

- 6.27 The site is located within Flood Zone 3. The Environment Agency have been consulted on the application and have no comment to make.
- 6.28 The National Planning Policy Framework (NPPF) states that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.
- 6.29 A Public House and residential dwellings both fall within the more vulnerable category as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. On this basis it is considered that the flood risk is not increased.

Impact on Heritage Assets

- 6.30 The site is located within the Conservation Area. Policy EN17 of the Tendring District Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character and appearance of the Conservation. This application proposes no changes to the external appearance of the building so the proposal will not affect the character and appearance of the Conservation Area.
- 6.31 The White Hart is a Grade II Listed Building. Policy EN22 of the Tendring District Local Plan 2007 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.
- 6.32 The only alterations proposed to the internal and external appearance of the building are the removal of bar area and the replacement of the kitchen facilities. These are not original features and therefore there is no objection to their removal. No other changes to the fabric of the listed building are proposed as part of this application.
- 6.33 However, as stated above it is considered that the proposal would provide a long-term viable use of the building which will help secure the future of the listed building as required by the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on Neighbours Amenities

- 6.34 It is considered that the proposal would not adversely affect the amenities of local residents; in fact a residential use would result in less of an impact than a Public House.

Parking

- 6.35 The submitted plans show that 2 car parking space will be provided to the rear of the site, this number is in accordance with the Councils Adopted Parking Standards. Notwithstanding this, the site is within the town centre in a highly sustainable location where there is good access to local facilities and public transport links.

The Planning Balance

- 6.36 In this case there are a number of policies that are relevant to this application and need to be balanced accordingly.
- 6.37 Whilst the loss of the public house is very unfortunate, it is considered that the main policy that the proposal should be assessed against is that which is most relevant, Policy COM3, and as there are other similar facilities nearby the proposal meets the criteria.
- 6.38 The marketing campaign carried out does not entirely meet the exacting requirements of Policy ER3 of the Saved Plan; however, what has been carried out is not considered to be an unreasonable marketing campaign. In any event, it is considered that any concerns are outweighed by the benefits of finding a long-term viable use for the listed building, a requirement of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.39 It is considered that as there is still a choice of other similar facilities within the town centre that the proposal would not significantly affect the vitality or viability of the town centre. Furthermore, the NPPF recognises that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites'.
- 6.40 The proposal would provide residential accommodation in a highly sustainable location and preserve and enhance the character and appearance of the Conservation Area, whilst secure a long-term viable use for the listed building.
- 6.41 On balance, the application is recommended for approval.

Background papers

None.