


## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                               | INITIALS  | DATE         |
|---|---|--------------|
| File completed and officer recommendation:  |  | 11 June 2018 |
| Planning Development Manager authorisation: | SCE   | 13.06.18     |
| Admin checks / despatch completed           | SP  | 14/06/18     |

*KNE*

**Application:** 18/00462/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Kien Thai Huynh

**Address:** Ardleigh Fish and Chip Shop Colchester Road Ardleigh

**Development:** Retention of kitchen extraction system (revised scheme on rear roof slope).

### 1. Town / Parish Council

Mrs Karen Thompson      The Parish Council has no objection to this planning application.

### 2. Consultation Responses

Environmental Protection      Pollution and Environmental control were satisfied with the previously submitted scheme for the flue – no objections.

### 3. Planning History

|              |  |          |            |
|--------------|--|----------|------------|
| 75/00085/FUL | Kitchen extn   | Approved | 13.03.1975 |
| 76/01061/FUL | Store  | Approved | 30.11.1976 |
| 17/00679/FUL | Installation of galvanised duct and extraction system.                           | Approved | 03.10.2017 |
| 17/00680/LBC | Installation of galvanised duct and extraction system.                           | Approved | 03.10.2017 |
| 18/00462/FUL | Retention of kitchen extraction system (revised scheme on rear roof slope.       | Current  |            |
| 18/00479/LBC | Installation of a galvanised duct by original chimney, and an extraction system. | Current  |            |
| 18/00491/ADV | 1 fascia sign, 1 hanging sign, and 1 entrance sign, with frosted film to         | Approved | 15.05.2018 |

to be applied to windows.

|              |   |          |            |
|--------------|---|----------|------------|
| 18/00492/LBC | 1 fascia sign, 1 hanging sign, and 1 entrance sign, with frosted film to be applied to windows. | Approved | 15.05.2018 |
|--------------|---|----------|------------|

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

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

COM22 Noise Pollution

COM23 General Pollution

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of a Listed Building

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL3 Sustainable Design

HP2 Community Facilities

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 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond

Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is a grade II listed building, currently used as the village fish-and-chip shop with a loft above, previously used as ancillary living accommodation for the adjacent dwelling.

It is situated on the roadside - the A137 - being the end terrace of a small group of residential properties, close to the cross roads at the centre of Ardleigh village.

The shop-building is a very small element of the larger group, being little more than a walk-in narrow shop with sales counter on the Colchester Road frontage - served from a side door - although it opens out to provide storage as a lean-to at the rear and there is a modest yard to the side.

The building is 1½ storey's in height, being rendered with a peg-tile roof.

There is a galvanised flue to the end of the building to serve the fryers within the chip-shop.

All the other surrounding buildings are in commercial or residential use and of 2-storey proportions and of differing architectural styles and ages.

### Description of Proposal

Planning and listed building consent was recently granted for the installation of further cooking ranges within the rear part of the building, to enable the cooking of Chinese food for sale (in addition to the fish and chips).

The new ranges need a separate flue, and a complex hood, ducting and filtration system was to be housed within the attic.

The approved scheme showed the flue still being housed within the attic roof void, but emerging part way up the rear roof slope, with a lead-covered surround to hide the steel flue, and with a conical end cap and the exposed parts of the flue would be painted matt-black.

During the installation, due to a purlin in the roof, it was not possible to install the flue in the agreed position and it was located within the rear roof-slope, but closer to the eaves and as a result, the flue is slightly taller by around 500mm, albeit lower down the roof slope.

The current proposal is to retain the flue in the "as-built" form.

### **ASSESSMENT**

The main considerations in this instance are:

- (i) The principle of the use
- (ii) The appearance due to the Heritage status,
- (iii) Highway Safety; and
- (iv) The impact on neighbouring amenities

### Principle of Development

The site falls within the settlement development boundary, and is in the obvious commercial centre where the village shops, pubs and take-aways are all located.

There is a general concern nationally, that small village shops, post offices and other local facilities are closing, and the N.P.P.F seeks to protect such local facilities.

In this instance, the village fish and chip shop operator is seeking to increase their customer base to offer Chinese food as well as traditional Fish-and-Chips (although this element does not constitute a material change of use), and only the new flue requires planning permission, as well as a Listed Building Consent application for the works.

The additional use raised no particular 'Policy' concerns, and the additional trade from the proposal would be a beneficial local facility, and would in addition, be appropriate as it would aid the local shop remaining viable, which would aid the on-going and future maintenance of the listed building.

The 'shop' element on the road frontage is very modest in size and would be unlikely to be viable as a lock-up shop, and it is therefore important for the on-going maintenance of the listed building that the current hot-food use remains viable.

The new flue would assist in meeting that objective.

#### Design and Appearance/Impact on Heritage Assets

The proposed rear flue extractor would have an impact on both the character and appearance of the Conservation Area, and the special character and setting of the listed building and it's neighbours.

The approved scheme, whilst being a slightly taller flue, never-the-less, remains largely hidden from view and will not cause harm - and therefore preserves both the character and appearance of the Conservation Area, and the special character and setting of the listed building and the adjacent buildings.

The proposed external works to the listed building itself are quite modest and the new flue would be hidden within a lead-lined cover breaking through the rear roof-slope, although this is set away from the edge of the roof - and not therefore visible from the side, and the flue is part-way up the roof slope and has little impact from the public highway.

Painting the exposed parts of the flue matt-black would assist in reducing its impact.

Internally, the flue and ducting, are housed within the attic element of the roof, without impacting on any historic fabric, which has no particular architectural merit, as the attic is already plaster-boarded out (it was previously used as storage in connection with the adjacent dwelling) and the equipment would sit in the wooden floor and whilst it would fill the roof-void, this is a low-ceiling structure not readily suited for habitation.

The changes have come about as the works avoided internal roof timbers, and the historic fabric of the listed building is therefore preserved and there would be no harmful 'works' to the listed building.

The flue allows for an additional customer base which would have the benefit of making the shop more viable, and a successful occupant is essential for the long-term maintenance of the building.

The development would not therefore harm any heritage assets.

#### Highway Safety

Whilst the sales areas have not increased there could still be some additional visitors, although the 'use' does not require consent.

As a local shop, many customers are likely to be local and the extra-use should operate without any appreciable increase in traffic, although the 'new' customers come about from the alternative use and not the flue the subject of this application.

In any event, it is considered that no appreciable highway safety issues would arise as a result of the development.

### Impact on Neighbouring Amenities

The development proposals are located above the roof, although there could be some impact on the neighbours through noise/small, although the technical reports submitted by the applicant suggests there would be no appreciable impact on residential amenity for the occupants of nearby dwellings.

The Environmental Health Section previously raised no objections to the amended scheme and technical information (previously submitted) and have no objections to the current change.

The modest nature of the proposal would not generate a high frequency of visitors - and in any event, the shop access is directly from the pavement - and the proposal is acceptable in amenity terms

### Other Considerations

Ardleigh Parish Council has no objection to this planning application.

No letters of objection have been received from neighbours.

### **Conclusion**

The proposed flue is to allow an additional use within the building that would add to the community facilities and aid the viability, hence ensuring the continued beneficial use of a listed building, aiding its future on-going maintenance.

It is an appropriate addition and there would be little impact on the visual amenity of the area, or highway safety, and there would be no appreciable change to neighbouring amenity.

There would be little visual change from public vantage-points and the character of the Conservation Area would be unharmed.

The amendments are such that the character and setting of the listed building is un-harmed and the attic roof is un-changed and the flue is acceptable in relation to the existing character of the building.

Being on the rear roof-slope and very modest in scale and with appropriate materials, the character and setting of the listed building would not be harmed.

The application is therefore recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: -

Drawing Number - 1124/R1 - Location Plan and Gnd Floor Extractuion System - received on 22 May 2018, and;

Drawing Number - Noise Impact Assessment - Ref 9151 dated 14 September 2017, received in connection with Planning Approval 17/00679/FUL

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

## **8. Informatives**

## Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

|   |            |           |
|---|------------|-----------|
| <b>Are there any letters to be sent to applicant / agent with the decision?<br/>If so please specify:</b> | <b>YES</b> | <b>NO</b> |
| <b>Are there any third parties to be informed of the decision?<br/>If so, please specify:</b>             | <b>YES</b> | <b>NO</b> |