

AGENDA ITEM NO: 8/1(m)

Parish:	Tilney St Lawrence	
Proposal:	Smoking shelter for public house (part retrospective)	
Location:	The Coach & Horses Lynn Road Tilney All Saints King's Lynn	
Applicant:	Elgoods & Sons Ltd	
Case No:	15/01082/F (Full Application)	
Case Officer:	Miss G Richardson Tel: 01553 616457	Date for Determination: 4 September 2015

Reason for Referral to Planning Committee – Previous appeal decision

Case Summary

The application site is located on the eastern side of Lynn Road, Tilney All Saints, and relates to The Coach and Horses Public House. The property is Grade II listed and listed building consent is also being sought.

Planning consent is sought for a smoking shelter to the side of this public house.

Key Issues

Design and impact upon the Listed Building;
Neighbour amenity; and
Other material considerations.

Recommendation

APPROVE

THE APPLICATION

The application site is located on the eastern side of Lynn Road, Tilney All Saints, and relates to The Coach and Horses Public House. The public house is two storey and is constructed in brick which is painted cream with clay tiles to the roof. Car parking is located to the south of the Public House. To the east of the Public House is a camping and caravan site.

The property is Grade II listed and listed building consent has also been applied for.

Planning consent is sought for a smoking shelter to the side of this public house. There is currently an unauthorised shelter which would need to be altered should this application be approved.

SUPPORTING CASE

The Design and Access Statement details that Government legislation to ban smoking in public buildings has brought about a trend, whereby Public Houses provide open sided shelters where patrons can partake in smoking at the same time as drinking.

The Coach and Horses, a traditional Coaching Inn where patrons drink and so therefore the shelter is necessary to retain the regular visitors and others.

The structure comprises timber posts supporting a timber framed roof which is flat. The floor is of timber decking. There are 2 open sides with balustrade handrails to waist height. The structure also acts as a porch to the rear entrance door.

The proposal is a structure which has been reduced from that previously refused and under guidance from the planning officer.

N.B. It is recognised by officers that the balustrades do not form part of this revised application.

PLANNING HISTORY

15/01083/LB: Current: Listed building application for smoking shelter for public house

14/00070/LB: Application Permitted: 20/03/14 - Conversion of garage to additional restaurant area

14/00069/F: Application Permitted: 13/03/14 - Conversion of garage to additional restaurant area

14/00068/LB: Application Refused: 20/03/14 - Erection of a smoking shelter for Public House Appeal Dismissed 12/02/15

14/00067/F: Application Refused 19/03/14- Erection of smoking shelter for Public House. Appeal dismissed

11/01825/DISC_A: Discharge of Condition final letter: 28/06/12 - DISCHARGE OF CONDITIONS 4, 6 and 7: twelve pitch touring caravan park and toilet facilities

11/01825/F: Application Permitted: 23/12/11 - Twelve pitch touring caravan park and toilet facilities

RESPONSE TO CONSULTATION

CSNN: No Observations

Conservation Officer: Verbally confirmed acceptable, following receipt of amended plans detailing the roof material.

REPRESENTATIONS

No third party representations received.

NATIONAL GUIDANCE

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The key planning considerations relevant to the determination of this application are:

- Design and impact upon the listed building;
- Neighbour amenity; and
- Other material considerations.

Design and impact upon the Listed Building

The property is Grade II listed (11/08/1951) and dates back to the late 17th Century.

Previously a full and listed building application was refused for the retention of a smoking shelter. The reason for refusal, on the planning application was:

The positioning of the smoking shelter; bisecting a bay window would detract from the setting of the existing building in addition the poor construction method of the shelter would prove severely detrimental to the character and appearance of the property as a Grade II Listed Building of architectural and historic interest, contrary to the aims of the NPPF section 12 and policy CS12 of the Core Strategy (2011).

This decision was appealed and the subsequent appeal decision was dismissed. The Inspector stated that the structure had a poor design and siting and resulted in an insensitive addition. Remarking specifically on the shelter's use of "uncharacteristic timber decking, balustrade and plastic sheeting roof, together with its large scale and proportions, and the unsympathetic subdivision of the painted side bay window..."

The revised application seeks to address this appeal decision.

Paragraph 134 of the NPPF requires that 'where development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefit'.

The key differences between the two schemes is the reduction in the scale of the shelter, the shelter does not sub-divide the side bay window, the balustrade has been removed and the roofing material has been changed to a lead effect sheeting system.

These changes result in a shelter that is much more appropriate to the listed building to which it is affixed and would have a neutral impact upon its overall appearance. The LPA therefore considers that less than substantial harm will occur and the public benefits will outweigh the harm to the building as a Grade II listed building. On this basis it is considered that this proposal is acceptable subject to condition.

Neighbour Amenity

There is sporadic residential development around the public house. The dwelling to the south is approximately 160 metres from the public house, itself. The property opposite the site, 'Highfields' is approximately 97 metres away. Due to the position of the smoking shelter 'Highfields' will not have direct views of the structure. In addition the distance of separation between the smoking shelter and both properties mean there is no material impact upon them.

The Council's CSNN team have also confirmed that there are no observations in relation to noise generation.

Other material considerations

As this is in part retrospective the standard condition for implementation of works is not required. If the work is not carried out within a suitable time frame then enforcement action would need to be taken against the unauthorised structure.

CONCLUSION

There is no objection to the principle of a smoking shelter for the public house, however, its design and position are paramount. The current smoking shelter was refused and an appeal subsequently dismissed on this basis.

This application has made a number of changes to the design and appearance of the shelter to make it appropriate to the setting of the existing building, and to the character and appearance of the property as a Grade II Listed Building of architectural and historic interest. The proposal addresses previous concerns and is therefore considered to comply with the aims of the NPPF section 12 and policy CS12 of the Core Strategy (2011) and accordingly it is recommended that planning consent is approved.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans; 1733 Site and Location Plans and 1733 Plans and elevations received 19th August 2015.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.



Appeal Decisions

Site visit made on 26 January 2015

by **Anne Napier-Derere BA(Hons) MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2015

Appeal A Ref: APP/V2635/A/14/2218241

Coach & Horses, Lynn Road, Tilney All Saints, King's Lynn PE34 4RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Hotson (Elgoods & Sons Ltd) against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 14/00067/F, dated 16 January 2014, was refused by notice dated 19 March 2014.
 - The development proposed is smoking shelter for public house.
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Appeal B Ref: APP/V2635/E/14/2218262

Coach & Horses, Lynn Road, Tilney All Saints, King's Lynn PE34 4RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr R Hotson (Elgoods & Sons Ltd) against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 14/00068/LB, dated 16 January 2014, was refused by notice dated 20 March 2014.
- The works proposed are smoking shelter for public house

Decisions

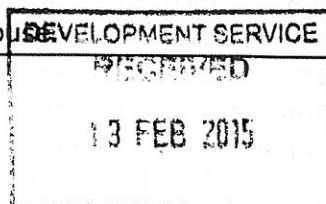
1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. Following my visit to the site, a revised version of the submitted plans and elevations drawing, Ref 1733, showing the shelter in relation to the public house, was provided. From the evidence available to me, I am satisfied that this version was considered by the Council in its determination of the applications and it is my intention to consider the appeals on this basis.
3. The submitted details indicate that the smoking shelter was erected before the Council's decisions and it was in place at the time of my visit. I intend to consider the appeals accordingly.

Main Issue

4. The appeal property is a grade II listed building, which is a designated heritage asset, and I am mindful of my statutory duties in this respect. The main issue in this appeal is whether or not the smoking shelter preserves the listed building, any special features of architectural or historic interest that it possesses, or its setting.



Reasons

5. The Coach & Horses is situated adjacent to the main road through Tilney All Saints, in a prominent and somewhat visually isolated rural location. From the evidence before me, including the listing description, I consider that the significance of the appeal building is largely derived from its use as a public house, its form, historic fabric and architectural features. However, its setting, in a prominent location, with space to either side of the building, visually enhances the status of the building and makes an important contribution to its significance.
6. The building has been altered over time, with a number of different extensions to the rear of the premises. These are of a distinctly different age, form and design to the main part of the public house. As a result, the rear and side of the building, when viewed from the car park, has a rather eclectic appearance. Nevertheless, with the exception of the smoking shelter, the scale, design and materials of these more recent additions are such that they do not materially detract from the overall appearance of the public house and, in reflecting its evolution, to some extent add to its historic character.
7. The appeal shelter is partially attached or immediately abutting the building and is not readily moveable. As such, I am satisfied that it amounts to a physical alteration to the listed building that affects its character. However, the shelter does not alter any features of particular special interest and is sited so that it adjoins the less historically sensitive extended part of the building, providing toilet, kitchen and restaurant facilities.
8. Nonetheless, it is markedly different in appearance to these other extensions and, due to its poor design and siting, results in an insensitive addition. The shelter's use of uncharacteristic timber decking, balustrade and plastic sheeting roof, together with its large scale and proportions, and the unsympathetic subdivision of the painted side bay window, significantly detracts from the appearance of the public house. The structure is prominent in views of the building from its large car park and is also visible from the road. As such, the appeal shelter has a material impact on the visual perception of the public house from these directions.
9. As a result, I conclude that the shelter has a significant and detrimental impact on the historic character of the building and does not preserve it or its setting. It is contrary to the *King's Lynn & West Norfolk Borough Council Core Strategy 2011* Policy CS12, which seeks to protect local character and appearance, including in respect of the historic environment.
10. For the above reasons, the smoking shelter harms the significance of the building and I give this considerable weight and importance. However, it has not resulted in the destruction of the building or the loss of its special features. As a result, whilst material, I consider that the harm is less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
11. The main public benefits resulting from the scheme are the provision of a facility to meet the needs of customers, by providing shelter from the elements. Its size is such that it also provides space for a number of tables

and chairs, adjacent to the restaurant, which would also enable customers to consume food and drink in this location, so broadening the business offer of these rural premises. As such, it makes a contribution to supporting the continued use of the building as a public house and community facility.

12. Whilst this is likely to result in some heritage, social and economic benefits, the evidence before me in these respects is limited. Furthermore, it has not been demonstrated that this would be the only way in which these benefits could be achieved, nor that an alternative, potentially less harmful, approach would not be feasible. Nonetheless, given the general encouragement in the Framework to support for rural businesses and community facilities, overall, I give these benefits moderate weight.
13. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development does not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it does not represent its optimum use.
14. For these reasons, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage asset and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design and conserve heritage assets in a manner appropriate to their significance.

Conclusions

15. For the above reasons and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Anne Napier-Derere

INSPECTOR