

AGENDA ITEM No: 8/1(n)

Parish:	Tilney St Lawrence	
Proposal:	Listed building application for smoking shelter for public house	
Location:	The Coach & Horses Lynn Road Tilney All Saints King's Lynn	
Applicant:	Elgoods & Sons Ltd	
Case No:	15/01083/LB (Listed Building Application)	
Case Officer:	Mrs P Lynn Tel: 01553 616235	Date for Determination: 4 September 2015

Reason for Referral to Planning Committee – Previous Appeal Decision

Case Summary

The Coach and Horses PH, listed grade II, is a two storey, “T” plan building of the late C17 with later additions and extensions.

This application seeks listed building consent for the erection of a smoking shelter situated to the south of the restaurant area and the east of the disabled toilet facility. It will replace the existing smoking shelter which was erected without consent in late 2013.

Key Issues

The impact of the proposal on the significance of the building which is a designated heritage asset.

Recommendation

APPROVE

THE APPLICATION

The Coach and Horses PH, listed grade II, is a two storey, “T” plan building of the late C17 with later additions and extensions. It is built in colour-washed brick with a steeply pitched pantiled gabled roof. The three bay front has a central two storey porch, a small single storey building at the south end and a single storey lean-to to the north.

Attached to the rear of the original building at the southern end are various small additions and to the rear of the building there is a comparatively large flat-roofed single storey extension housing further restaurant space and a kitchen.

On the southern side of the building projecting forward from the right-angle formed by the disabled toilet and the kitchen is a smoking shelter which also acts as a porch to the rear entrance. It is constructed of timber decking with a balustrade on the two open sides, timber uprights and timber rafters supporting a flat roof of corrugated UPVC sheets. The timber frame does not directly attach to the building on the eastern side but is joined onto by corrugated plastic sheeting.

The structure was erected without consent and applications for its retention were refused (see history). Subsequent appeals were dismissed.

This application seeks listed building consent for an amended design which has a smaller footprint and is more aesthetically pleasing. A corresponding planning application is also before the Committee with a recommendation for approval.

SUPPORTING CASE

The application is supported by a Heritage Statement (HS) and a Design Statement (DS).

The former acknowledges the listed status of the building and comments that it has seen many phases of refurbishment, both old and more recent. The proposal for a smoking shelter will retain all historical features of this part of the building and will not affect any part of the existing structure. It comments that the hostelry trade has seen major changes to commercial operations and beer trade has given way to the restaurant business. It is true to state that such businesses would no longer survive without the sale of food.

The DS also points out that the ban on smoking in public buildings has brought about a trend, whereby Public Houses provide open sided shelters where patrons can smoke whilst having a drink. It is necessary to provide such a facility at the Coach & Horses to retain the regular visitors and others. The DS goes on to describe the proposed shelter and concludes that the structure has been reduced from that previously refused under guidance from the planning officer.

PLANNING HISTORY

14/00069/F and 14/00070/LB: Conversion of garage to additional restaurant area - Approved March 2014

14/00068/LB: Erection of smoking shelter for Public House – Refused March 2014. Subsequent Appeal dismissed in February 2015

14/00067/F: 14/00068/LB: Erection of smoking shelter for Public House – Refused March 2014. Subsequent Appeal dismissed in February 2015

11/01825/F: Twelve pitch touring caravan park and toilet facilities –Approved December 2011

RESPONSE TO CONSULTATION

Parish Council: No Comment received

REPRESENTATIONS None received

NATIONAL GUIDANCE

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

CS12 - Environmental Assets

PLANNING CONSIDERATIONS

The only consideration in the determination of this application is the impact of the proposal on the buildings significance bearing in mind the NPPF which states that conservation of historic assets is a core principle of the planning system and that the significance of listed buildings can be harmed by alteration to them. Where a development proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Design and impact

The existing smoking shelter is a substantial size (appx. 5.7m x 4.2m) covering the back door into the public areas and partially covering the bay window to the kitchen. It is also forms an outside seating area.

Whilst Officers have no objection to the principle of a smoking shelter, there are serious concerns regarding the design and appearance of the existing structure and the previous application for LBC was refused for the reason that:

“The positioning of the smoking shelter bisecting a bay window and the poor construction method of the shelter would cause harm to the significance of the building which is a designated heritage asset and that harm is not outweighed by the public benefit. The proposal is therefore contrary to the aims of the NPPF section 12 and policy CS12 of the Core Strategy (2011)”.

In dismissing the subsequent appeal 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...”

This revised design follows advice from officers and seeks to address the Inspectors remarks. The key differences between the two schemes is the reduction in the scale of the shelter so that it does not sub-divide the side bay window, the removal of the balustrade and a marked improvement in the roof which is to be changed to a slight pitch and covered in a lead effect sheeting system.

As a result the proposed shelter is considered to sit more comfortably with the listed building. Whilst it may appear to be a modern and a slightly utilitarian structure any harm caused will be less than substantial and will be outweighed by the public benefit including keeping the building in viable use.

Supporting statement/consultation

The application is supported by a Heritage Statement and a Design Statement both of which have been detailed above.

The Parish Council have chosen to make no observations either for or against the scheme and no third party comments have been received.

Summary and Conclusion

As previously stated, there is no objection to the principle of a smoking shelter which will provide a benefit to the business thereby keeping the listed building in viable and ongoing use. The concerns have solely related to the design of the existing (unauthorised) structure.

Overall it is considered that this proposal goes a long way to addressing those concerns in that it represents a better design which will sit more comfortably against both the old and newer parts of the building. Any harm which it may be thought to cause is less than substantial and must be weighed against the public benefits of keeping the building in viable and ongoing use.

It therefore complies with the aims of the NPPF section 12 and policy CS12 of the Core Strategy (2011) and it is recommended that listed building consent be granted.

RECOMMENDATION:

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

- 1 Condition This Listed Building Consent relates only to works specifically shown on the following approved plans: 1733 Site and Location Plans and amended plan No.1733 Plans and elevations received 19th August 2015. Any others works, the need for which becomes apparent as alterations proceed, are not covered by this consent and details must be submitted to the Council as Local Planning Authority and approved before work continues.
- 1 Reason To ensure a satisfactory standard of works in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.
- 2 Condition Notwithstanding the approved plans, precise details of the roofing material and the method by which it will abutt the existing building shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
2. Reason To ensure that the works are properly controlled in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.



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.

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

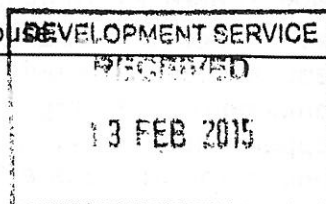
1. Appeal A and Appeal B are dismissed.

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