

Committee Report

Application No:	DC/17/00096/FUL
Case Officer	Graham Stephenson
Date Application Valid	6 March 2017
Applicant	Trust Inns Ltd
Site:	Three Tuns Hotel Sheriffs Highway Gateshead NE9 5SD
Ward:	Low Fell
Proposal:	Installation of roller shutters to ground floor windows and construction of timber smoking shelter (retrospective).
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF THE APPLICATION SITE**

1.2 The application site is a Locally Listed Public House located on the corner of Kells Lane and Sheriffs Highway, in the Sheriffs Hill Conservation Area. The building itself is two-storeys in height and is constructed in brick with a slate roof. The property is characterised by heavy cornices, flat brick arch detail and stone dados. Double mock-timber framed gables feature on the prominent elevations and these frame tall, chimneys. Originally the window frames were timber but these have been replaced with uPVC. To the front (north) onto Kells Lane there is a raised patio with chairs and tables and a timber smoking shelter. The smoking shelter forms part of this application and has replaced an unsympathetic steel corrugated shelter. Roller shutters have also been installed above the windows on the ground floor. The shutter boxes sit at the top of each affected window and the guides are fixed on top of the window frames and held in place with timber trimmers. The shutters and boxes are unpainted galvanised steel, with shutters themselves solid in appearance.

1.3 To the rear there is a garden attached to the pub. Beyond the boundary of the pub there is a vets hospital to the south, Sheriffs Highway and residential properties to the west, Kellls Lane and a Methodist Church to the north and builders yard and more residential properties to the east.

1.4 The character of the area in general is a mix of commercial and residential properties.

1.5 DESCRIPTION OF THE APPLICATION

1.6 The application seeks retrospective planning permission for the timber smoking shelter to the front of the public house and the installation of the roller shutters to the ground floor windows.

1.7 The following information has been submitted with the application:

Heritage Statement

1.8 PLANNING HISTORY

1.9 There is no planning history that is relevant to this application.

2.0 Consultation Responses:

Gateshead Police Solid roller shutters would provide most secure solution.

3.0 Representations:

3.1 Neighbour notifications, press and site notices were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. and the Planning (Listed Building and Conservation Areas) Act 1990. One letter of objection has been received and the concerns raised have been summarised below:

*There is no need for roller shutters on the property and they are a knee jerk reaction to a recent incident.

*If increased security is required CCTV could be installed.

*IPA17 Conservation Area, Character Statements, Strategies and Policy Guidelines for Sheriff Hill advises that any protective roller shutters should take the form of open grille which should be colour coated and respect the character of the premises to which it is affixed. Externally fitted shutter boxes should be avoided where practical.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS15 Place Making

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV18 Locally Listed Buildings

IPA17 Conservation Area Character Statements

5.0 Assessment of the Proposal:

5.1 The main planning issue in this case is the impact of the roller shutters and the smoking shelter on the designated and non-designated heritage asset.

5.2 IMPACT ON HERITAGE ASSETS

The National Planning Policy Framework (NPPF) states (at paragraphs six and seven) that protecting and enhancing the historic environment is an important component in the achievement of sustainable development. The appropriate conservation of heritage assets forms one of the NPPF's 'Core Planning Principles' that underpin the planning system and are outlined in paragraph 17 of the Framework.

5.3 Heritage specific policies are set out in Chapter 12 of the NPPF. The objective of these policies is to maintain and manage change to heritage assets in a way that protects and, where appropriate, enhances their significance. This national policy approach is supported by policy CS15 of the CSUCP and saved UDP policies ENV7 and ENV18 which together seek to preserve and/or enhance designated and non designated heritage assets in Gateshead.

5.4 Furthermore, The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a clear statutory duty for Local Planning Authorities (LPAs) to pay special attention to the preservation or enhancement of heritage assets. In considering proposals for development, Section 72 of the 1990 Act requires that with respect to any buildings or land in a conservation area:

"...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

5.5 This statutory requirement provides a clear presumption, when considering proposals for development, which affords considerable importance and weight to the preservation or enhancement of the character or appearance of conservation areas. For the purposes of an assessment against NPPF policies, conservation areas are considered to be 'designated heritage assets' with degrees of significance that ought to be conserved and enhanced in line with the policies contained within the Framework. A Locally Listed Building is considered to be a non-designated heritage asset.

5.6 In this case the building which is locally listed is a non-designated heritage asset, however the Sheriff Hill Conservation area is a designated heritage asset. Therefore paragraphs 134 and 135 of the National Planning Policy Framework (NPPF) are particularly relevant, as well as policy CS15 of the Core Strategy and Urban Core Plan and policies ENV7 and ENV18 of the Unitary Development Plan(UDP). Pages 121 - 126 of Interim Policy Advice 17 (Conservation Area Character Statements, Strategies and Policy Guidelines) are also applicable.

- 5.7 With regards to the impact on the Locally Listed Building, policy ENV18, in conformity with the NPPF, states that alterations should preserve the special local architectural or historic interest of the building by respecting the buildings design, appearance and any features of merit and wherever possible appropriate materials should be used. New buildings within the curtilage of a locally listed building should be designed to be sympathetic to it. The NPPF advises that when weighing applications that affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.8 On these grounds it is considered the shutter boxes, do not on their own merits have a detrimental impact on the overall significance of the heritage assets, as they are positioned above the windows and subject to appropriate treatment such as powder coating or a suitable alternative are not considered to be prominent or adversely impact on any architectural features. The issue is with the shutters themselves which are solid in appearance and when shut have a detrimental impact on the appearance of the building which due to its scale and prominence is considered to be of significance. Enclosing the ground floor windows with a solid cover fails to respect the buildings design and compromises the historic character of the building which has always featured large, unobscured windows at ground floor level.
- 5.9 It is acknowledged that the pub has suffered damage and the roller shutters have prevented windows from being broken but it is understood the damage has been caused by one individual rather than un-related instances.
- 5.10 In addition the fitting of internal shutters has been explored but this wouldn't be practical and the applicant has also been given the opportunity to amend the proposal to open grille/lattice style shutters, as recommended on page 125 of IPA17 but they have said this would not provide the security they need.
- 5.11 Discussions have taken place with the Police Architectural Liaison Officer who advised that solid shutters are the most secure solution but again taking into account that the damage appears to be attributed to one individual, this is not considered sufficient to allow development that would result in harm to the significance of the Locally Listed Building and in turn the character of the Sheriff Hill Conservation Area.
- 5.12 Consequently the shutters are considered to result in a development that has a detrimental impact on the significance of the non-designated heritage asset and although it is difficult to argue the impact on the conservation area is substantial, the less than substantial harm on this designated heritage asset, without any public benefit, is still considered to be significant.
- 5.13 The impact of the smoking shelter is considered to be less than substantial and there are public benefits. It is located in a prominent position at the front of the property but does have benefits in that it contains cigarette ends within the curtilage of the property. Alternative locations within the site were explored but the garden to the rear is where children play and therefore this location was not

considered appropriate. If members are minded to approve the application final details of the treatment and colour of the smoking shelter could be conditioned.

- 5.14 However as it currently stands, as it forms part of the application and as split decisions cannot be issued the application as a whole is recommended for refusal.
- 5.15 Therefore as submitted the application as a whole is considered to conflict with the aims and objectives of the NPPF, policy CS15 of the CSUCP and policies ENV3, ENV7 and ENV18 of the UDP.
- 5.17 HIGHWAY SAFETY
The development does not have any impact on highway safety.

6.0 CONCLUSION

- 6.1 Taking all relevant issues into account it is recommended that planning permission is refused due to the harm caused to the significance of the designated and non-designated heritage assets, without any public benefits and the conflict with national and local planning policy.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

1

The roller shutters as installed cause significant harm to the significance of both a designated and a non-designated heritage asset and fails to satisfy the aims and objectives of the National Planning Policy Framework, policy CS15 of the Core Strategy and policies ENV3, ENV7 and ENV18 of the Unitary Development Plan.

