

Report of the Chief Executive

**19/00045/FUL  
 CONSTRUCT GLAZED ROOF ENCLOSURE OVER NEW METAL  
 ACCESS STAIRCASE (REVISED SCHEME)  
 THE QUEENS HEAD 34 MAIN STREET KIMBERLEY  
 NOTTINGHAMSHIRE**

Councillor S Easom requested this application be determined by the Committee.

1 Details of the Application

1.1 This application seeks permission to erect a glass enclosure over the existing courtyard at The Queens Head. The proposed glass enclosure will have a dual pitched roof covering the courtyard with a glass elevation extending to ground level on the south east elevation, effectively enclosing the courtyard.

2 Site and Surroundings

2.1 The application property is a two storey public house wrapping around the corner of Main Street and James Street with an inner courtyard. The building is set centrally within the Kimberley Conservation Area and is highlighted in the conservation area appraisal as being a positive building of local interest.

2.2 The building has cream painted brick elevations fronting onto James Street and Main Street, with red facing brickwork in the inner courtyard. It has a tiled roof and timber framed windows and doors.



Access to inner courtyard via James Street.



Main Street elevation.



Inner courtyard.



James Street elevation.

### 3 Relevant Planning History

- 3.1 In 2017, planning application 17/00098/FUL was refused permission for various proposals, including the construction of a glazed enclosure above the inner courtyard. The application was refused on the grounds that the proposed enclosure of the internal courtyard would affect the character of the building and would lead to substantial harm to the historic integrity and character of the Local Interest Building and to Kimberley Conservation Area.
- 3.2 In 2017, planning permission 17/00757/FUL was granted to construct an external staircase, flue and metal gates to the inner courtyard. These proposals were amongst those in the previous application that was refused permission, although these aspects were deemed acceptable. This application did not include any proposals to enclose the inner courtyard.
- 3.3 in 2018 planning application 18/00559/FUL was refused permission for the same glazed roof enclosure that is being applied for with this application. The application was refused on the grounds that the proposed glazed enclosure would be an uncoordinated feature and the enclosure of the inner courtyard would result in substantial harm to the Local Interest Building and Kimberley Conservation Area. It was not demonstrated that the substantial harm that would be caused to the Conservation Area is necessary to achieve substantial public health benefits that outweigh that harm.
- 3.4 All of these applications were determined under delegated powers.

### 4 Policy Context

#### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) February 2019, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

## 4.2 Broxtowe Aligned Core Strategy

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 Policy 10 'Design and Enhancing Local Identity' sets out key design criteria that all development should look to achieve. This policy includes the requirement for all new development to make a positive contribution to the public realm and sense of place, reinforce valued local characteristics, and to have regard to the local context including valued landscape/townscape characteristics and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.
- 4.2.4 Policy 11 'The Historic Environment' states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

## 4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. There are no relevant saved policies in respect of this application.

## 4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 11 representations in relation to Policy 17 and 11 representations in relation to Policy 23. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 17 and 23. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policy 17 and Policy 23 can now be afforded moderate weight.
- 4.4.2 Policy 17 'Place-making, design and amenity' sets out further design criteria that all new development must meet. Included within this criteria is the requirement that all new development must integrate into its surroundings.
- 4.4.3 Policy 23 'Proposals affecting Designated and Non-Designated Heritage Assets' states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

## 5 Consultations

- 5.1 The Conservation Adviser has raised objections on the following grounds:

He remains unconvinced that there would not be less than substantial harm to the character of the Conservation Area given the shape of the proposed glazed roof, the fact it covers part of the courtyard would affect the character of the Conservation Area and the materials would not preserve the appearance of this part of the Conservation Area. He is also not convinced the reasons for the proposal are justified and it does not seem other alternative solutions have been considered given noise mitigation was a reason given by the applicant for the roof.

- 5.2 Consultation letters have been sent out to 15 neighbouring properties and a site notice was posted at the site on 11 February 2019. No objections from any members of the public have been raised in respect of this application.

## 6 Appraisal

- 6.1 The main consideration for this proposal is the design and appearance of the enclosure and its impact on the Conservation Area.
- 6.2 The proposed glazed enclosure is very similar to the previously refused scheme under application 17/00098/FUL and the same as the most recently refused scheme under application reference 18/00559/FUL. Both of these applications were refused on the grounds of the roof being an uncoordinated feature that would be harmful to the character of the Conservation Area. Taking into account the similarity of the new proposal to these the Conservation Adviser is unconvinced that the previous grounds for refusal have been overcome.
- 6.3 The ridge height of the proposed enclosure will not project above the existing ridge height of the surrounding buildings. The glazing is proposed to extend down to ground floor level, creating a physical barrier to the courtyard. Whilst the roof of the enclosure will not be clearly visible from the public realm, the glazing at ground floor level will be visible from James Street.
- 6.4 Notwithstanding the extent to which the enclosure will be visible, the Conservation Adviser considers that there would be harm to the character of the Conservation Area given the shape of the proposed glazed roof and the fact that it covers part of the inner courtyard. Proposed materials have not been clearly identified on the plans, although the heritage statement suggests the frame of the enclosure would be exposed steel. This is inconsistent with the appearance of the enclosure in the drawings submitted with the wide white framing around the glazed panels indicating that the frame will be UPVC, which would not preserve the appearance of this part of the Conservation Area. It is considered that the enclosure would be an uncoordinated feature and the enclosure of the inner courtyard would result in substantial harm to the local interest building and Kimberley Conservation Area.
- 6.5 The applicant states that the enclosure is required to create a blockage to the noise generated by the extraction system located on the adjacent property, adding that it would also create a wind barrier stopping street debris coming from James Street through the undercroft, making for a more pleasant access to the newly constructed staircase leading to the first floor. The inner courtyard area primarily acts as a service yard to The Queens Head, as well as the neighbouring restaurant on James Street. It is also used for storage of vehicles. The principal

access to The Queens Head is taken through the main door which is located on the corner of Main Street and James Street. Whilst the cleanliness of the inner courtyard is important, this is already within the control of the owner, which considering the historic nature of the premises has been the case for many years with the cleanliness of the inner courtyard never having been formally raised as a concern in relation to the successful running of the business. Considering the main entrance to the premises is not taken through the courtyard the enclosure of the courtyard to improve cleanliness is not considered essential to improve the efficiency of operating the business.

7 Conclusion

7.1 Overall it is considered that the harm the proposed enclosure poses to the character of the Conservation Area is not justified by any potential benefits of the scheme and therefore it is recommended that this application should be refused permission.

**Recommendation**

**The Committee is asked to RESOLVE that planning permission be refused for the following reason:**

**The proposed glazed enclosure would be an uncoordinated feature and the enclosure of the inner courtyard would result in substantial harm to the Local Interest Building and Kimberley Conservation Area. It has not been demonstrated that the substantial harm that would be caused to the Conservation Area is necessary to achieve substantial public benefits that outweigh that harm. It is therefore considered that the proposal is contrary to Policy 11 of the Aligned Core Strategy (2014) and Draft Part 2 Local Plan (2018) Policy 23, and the NPPF.**

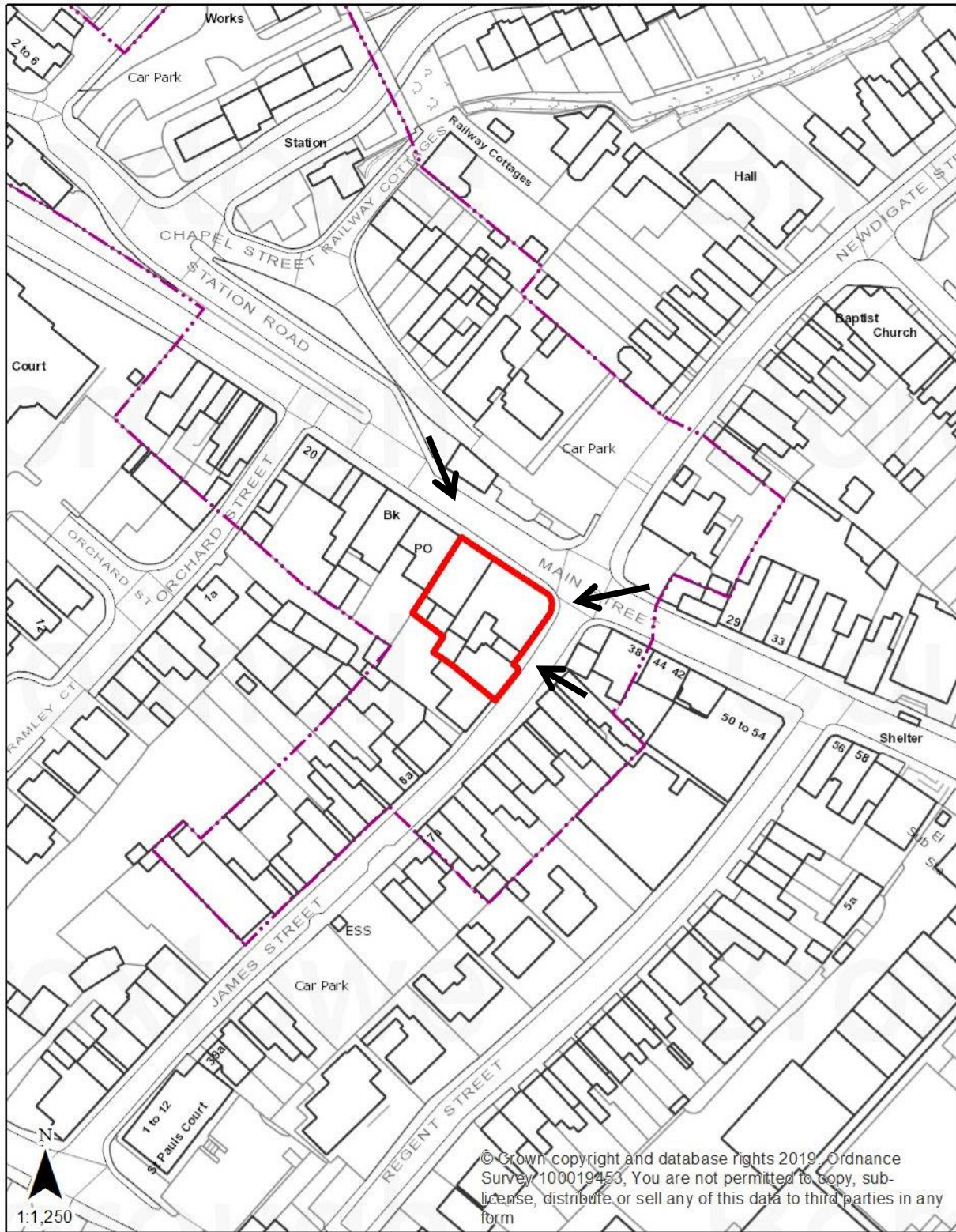
**Note to applicant**

**The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.**

Background papers

Application case file





**Legend**

-  Site
-  Conservation Areas (Local Plan)