

Report of the Chief Executive

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| APPLICATION NUMBER: | 24/00444/LBC |
| LOCATION: | The Old Wine Vaults, 11 Church Street, Eastwood, Nottinghamshire |
| PROPOSAL: | Retain outdoor servery, smoking shelter, timber walkway and garden marquee |

The application has been called in by Councillor M Radulovic MBE.

1. Purpose of the Report

The application seeks listed building consent for the retention of an outdoor servery, smoking shelter, timber walkway and garden marquee.

2. Recommendation

The Committee is asked to RESOLVE that listed building consent be refused for the reason outlined in the appendix.

3. Detail

The application seeks listed building consent for the retention of an outdoor servery, smoking shelter, timber walkway and garden marquee.

The site is on the edge of Eastwood town centre and includes an established public house. The site includes the main public house building, parking, ancillary outbuildings and a garden area. The public house is a grade II listed building and is located in the Eastwood Conservation Area.

The main issue to consider is whether the proposed development would amount in substantial harm to the listed building and whether there is clear and convincing justification for any potential harm.

It is considered that there is clear and convincing justification for the retention of the marquee on this basis which would not amount to substantial harm to the grade II listed building. Notwithstanding this, there are significant concerns with regards to the impact of the smoking shelter, servery and walkway which would amount to substantial harm to the grade II listed public house. On balance it is therefore considered that listed building consent should be refused.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers:

Nil.

Appendix

1 Details of the application

- 1.1 The application seeks listed building consent for the retention of an outdoor servery, smoking shelter, timber walkway and garden marquee.

2 Site and surroundings

- 2.1 The site is located at 11 Church Street, Eastwood within the Eastwood Town Conservation Area. The building is Grade II Listed public house which includes a rear car park and garden area.
- 2.2 The public house is 3 storeys in height and constructed in common brickwork with a Rosemary Clay plain tiled roof. Some of the masonry to the building has been painted white. The roof slopes down from the frontage to 2 storeys at the rear of the building. The building has been subject to a number of alterations and interventions over previous years.
- 2.2 The site is positioned to the south of Eastwood town centre. To the north of the site, includes Eastwood Conservative Club. To the east of the site, includes Centenary Court a three storey building comprising of flats. To the south, separated by a driveway includes St Mary's Church. To the west, on the opposite side of Church Street includes a row of detached residential properties.

3 Relevant Planning History

- 3.1 The application site has a mixed planning history, with the relevant historical applications being summarised in this section.
- 3.2 Planning application 07/00489/FUL for a smoking shelter was refused planning permission. Listed building consent for the same was also refused 07/00490/LBC. A further application for a smoking shelter was refused 09/00151/FUL. Planning application 09/00610/FUL for a revised scheme was granted planning permission for a smoking shelter to the side of the public house. Listed building consent for the same was also granted 09/00611/LBC. The location of the smoking shelter granted was positioned near the main front entrance adjoining the northern elevation of the public house.

4 Relevant Policies and Guidance4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 11: The Historic Environment

4.2 **Part 2 Local Plan (2019):**

- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets

4.3 **National Planning Policy Framework (NPPF) 2023:**

- Section 16 - Conserving and enhancing the historic environment

5 Consultations

- 5.1 **Broxtowe Conservation Officer** – Objection based on the substantial harm to the grade 2 listed building caused by the smoking shelter, servery and timber walkway. It should be noted that the marquee could be supported on heritage grounds due to the public benefits associated with use of the public house by customers.

6 Assessment

- 6.1 The main issue for consideration is the impact on special character of the listed building.
- 6.2 **Listed Building Impact**
- 6.3 The site is located within the Eastwood Conservation Area and the public house is a grade II listed building. Within the vicinity of the site includes a number of locally listed buildings.
- 6.4 The grade II listed public house is 3 storeys in height and constructed in common brickwork with a Rosemary Clay plain tiled roof. Some of the masonry to the building has been painted white. The roof slopes down from the frontage to 2 storeys at the rear of the building. The building has been subject to a number of alterations over previous years. Nonetheless, given the prominence of the building, the public house makes a positive contribution to the Eastwood Conservation Area.
- 6.5 The southern elevation is a Georgian façade with a central door and symmetrical sash windows and doors with stone heads and cills. The eastern elevation abuts the public highway and is a plain reducing gable in painted brickwork. This elevation retains an original sash window at first floor whilst at ground floor are two intervention windows not in the original style of the building. The southern elevation forms the principal elevation and entrance to the public house. This elevation retains no original features below the roofline. The building has been subject to a single storey extension to accommodate a toilet block.
- 6.6 The building entrance has a gabled structure forming an entrance porch with timber painted doors and overhanging canopy. There is also a lean too timber smoking shelter built historically. The eastern façade of the building has been extended during the late Georgian period early Victorian period to form ancillary accommodation to the building. This attachment to the Georgian structure is two storeys in height formed in common brickwork with a slate tile

roof over two storeys with both gable and hip features. This part of the building retains its original windows which are simple Georgian sliding sash windows with a mixture of stone heads and cills and brick arches to the ground floor. This part of the building has been subject to historical additions and more recent interventions primarily to serve the use of the building as a public house.

- 6.7 The listed building has a series of outbuildings along its northern boundary ranging from single storey to a two-storey stable block. The single storey outbuildings have been subject to interventions with garage doors installed as well as a modern concrete interlocking tiled roof.
- 6.8 The statutory duty of sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 6.9 Policy 23 of the Part 2 Local Plan advises that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance. Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development. For designated heritage assets:
- i) Where substantial harm is identified, there must be substantial public benefits that outweigh the harm.
 - ii) Where less than substantial harm is identified, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.10 Paragraph 207 of the NPPF advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 6.11 The proposed smoking shelter has been installed to the southern ground floor elevation. This shelter is constructed from primarily timber polycarbonate roof bolted off the building. The proposed outdoor servery consists of a timber flat roof infill extension to the south-east elevation. The southern elevation of the servery is brick built approximately half way up from the ground level. The walkway is a timber post and flat pergola also formed in timber. The walkway has been finished with polycarbonate roof to provide a covered access from the public house to the marquee. The marquee consists of a timber frame and a laminated marquee cover. The marquee has been erected in the southern-eastern corner of the grassed area.
- 6.12 The Council's Conservation Officer has reviewed all elements of the proposed development. During the course of the application, concerns were raised to the applicant regarding the negative impact of the smoking shelter, servery

and timber walkway on the grade II listed public house and Eastwood Conservation Area. The applicant refused to remove these three elements when provided the opportunity. As such, the Councils Conservation Officer has objected to the proposal on the grounds that the smoking shelter, servery and walkway would amount to substantial harm to the grade II listed building. There are also concerns that proposal would adversely affect the character of the conservation area which is a designated heritage asset. It is considered that the marquee due to its detached location in the public house garden area offers public benefits to local customers and would be of economic benefit to the business owners of the public house.

- 6.13 It is considered that the timber smoking shelter, servery and timber walkway fail to conserve or enhance the special character of the grade II listed building. There are concerns that the timber structures and use of non-matching brickwork for the servery would detract from the historic character of the building. It is considered that no clear or convincing justification has been provided to justify substantial harm to the grade II building.
- 6.14 It is considered that the proposal would amount to substantial harm to the grade II listed building and would adversely impact the Eastwood Conservation Area. As such, the proposal would fail to comply with Policy 23 and Part 16 - Conserving and enhancing the historic environment of the NPPF.
- 6.15 Conclusion
- 6.16 The marquee would offer some social and economic benefits to attract more patrons to use the public house. It is considered that there is clear and convincing justification for the retention of the marquee on this basis which would not amount to substantial harm to the grade II listed building or the conservation area. Notwithstanding this, there are significant concerns with regards to the impact of the smoking shelter, servery and walkway which would amount to substantial harm to the grade II listed public house. On balance it is therefore considered that the proposal would warrant refusal.
- 6.17 It is recommended that listed building consent be refused.

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| <u>Recommendation</u> | |
| The Committee is asked to RESOLVE that listed building consent be refused on the following grounds: | |
| 1. | A clear and convincing justification for the proposed harm to the Grade II listed building and its setting that will result from the development has not been provided. Accordingly, the development is contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), to Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2023). |

| | NOTES TO APPLICANT |
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| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |

