

18/00441/FUL & 18/00442/LBC

Applicant Mr Chris Grice

Location Wharf Building Adjacent Wharf House Main Street Hickling Nottinghamshire

Proposal Proposed extension of existing seating for tea rooms into the existing store area, forming new opening through and installation of 2No; conservation velux roof lights to main roof

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. This is a joint report in respect of the planning application under ref: 18/00441/FUL and the application for Listed Building Consent under ref: 18/00442/LBC.
2. The applications relate to a historic grade II listed detached building located on the east side of Main Street within the established urban limits of Hickling and the Conservation Area. The building is constructed from red brick with a pantile roof whilst there is a small gable roofed extension to the east elevation that was constructed following 2015 permissions for the wider change of use of the building to a tea rooms and bike hire centre. The use has commenced on site with outdoor seating areas and car parking subsequently agreed through discharge of conditions application and a non-material amendment.
3. The site takes access from the south west corner of the plot, off of the Faulks Plant Hire access road to the south of the site. The main car parking area is located to the south side of the Wharf Building with outdoor seating areas to the east and west sides of the building. The site boundaries are largely open to the north and west with minimal post and rail fencing/railings allowing an open view from of the building across the basin and from the road. To the south a circa 2m tall hedge marks the site boundary with a much taller 3.5m high Leylandii hedge to the east.

DETAILS OF THE PROPOSAL

4. These applications seek planning permission and Listed Building Consent to use the existing internal store area that forms the eastern section of the building, as an extension to the internal seating area for the café. It should be noted that the applications as now considered are revised from the original proposals which included an extension to the building and also had the roof lights in a more prominent location.
5. The works as now considered are of limited scope, with the development to include a new internal doorway to allow access into the existing store room which is proposed to be converted to an additional internal seating area. Two new conservation roof lights are proposed to this space that would be positioned low down in the eastern roof slope, adjacent the toilet extension

and below its associated ridge line. It is also proposed that the doorway to the north elevation is fitted with a new softwood door.

6. No alterations to the existing parking area or extensions to the building are therefore proposed.

SITE HISTORY

7. In September 1989 planning permission for the conversion of the building to a dwelling was refused (application ref: 89/01183/L1P). A subsequent appeal was dismissed.
8. More recently planning permission and Listed Building Consent was granted in 2015 for the change of use of the building to a cafe/tea rooms and bike hire/repairs, and construction of new toilet block (15/02151/FUL & 15/02152/LBC).
9. In 2016 (16/01363/NMA) a non-material application was accepted for a change of materials for the approved toilet block whilst in 2017 (17/02159/DISCON) an application to discharge conditions relating to details of the external seating and car parking area was considered and partially approved in relation to the external seating areas. A further non material amendment application was received and accepted in 2018 (18/00131/NMA) relating to the final car parking layout..

REPRESENTATIONS

Ward Councillor(s)

10. The Ward Councillor (Cllr Combellack) initially objected to the applications stating that although the use of the site was a much valued amenity in the area, the extension would increase the intensity of use on the site which would put pressure on the parking provision which has been an ongoing issue in the area since 2007. Comments were also received that velux windows would not be appropriate in a Listed Building and that she therefore reluctantly objected to the proposal.
11. Following the submission of revised plans which removed the extension and repositioned the roof lights, Cllr Combellack commented again, objecting solely to the car parking layout shown on the plans as it would have a detrimental impact on the street scene.
12. Cllr Combellack was then informed that the parking layout had been previously approved and was therefore not a matter for consideration as part of this application. She subsequently confirmed she still objected to the development as the 'conservation roof lights' would be entirely inappropriate in a building of its age and status (Grade II Listed). It was also considered the material for the conservation roof lights would not be consistent with the building.

Town/Parish Council

13. Hickling Parish Council initially objected to the planning application (18/00441/FUL) on 20/03/2018 stating:
14. *“The Parish Council voted to object to the proposals for the following reasons.*
15. *Firstly, the Wharf Building is a listed building of significant historical importance to the village. It sits in an extremely prominent position within the Conservation Area and the shape of the building has remained unchanged since it was built in the 18th Century.*
16. *The proposed development would result in changing the shape of the building and would have a negative impact on a building of historical importance.*
17. *The proposed design is inappropriate for a listed building as the velux windows are unsuitable for a building of this age and importance. The extension and design are incompatible with the original building and surrounding area.*
18. *The car park which is already used over-intensively, resulting in customers and staff parking on the grass at the front. It is unable to cope with additional customers and the on-street parking is already an issue in this area of the village due to visitors to the Grantham Canal, Café, Pub and the two other local businesses. The grass area is of great importance because it breaks up the expanse of black hard standing which has been laid for the car park and is therefore an important landscaping feature.*
19. *The design and access statement is inaccurate and continues to discuss the 'cycling store' which is non-existent.*
20. *As an observation, the Parish Council wishes to remind the Borough Council that it has failed to address the issue relating to outstanding non-compliance with previous planning applications. These include, the signage, the imitation hoist frames, the siting of an additional building to the rear of the property and various landscaping issues.*
21. *The Parish Council remains extremely concerned that failure to enforce compliance notices on a Grade II listed building in a prominent position within the Conservation Area sets a precedent for others who may also choose to ignore the rules”*
22. The Parish Council also objected to the application for Listed Building Consent reference 18/00442/LBC, stating:
23. *“The Parish Council does not support the proposals outlined in this application.*
24. *The Listed Building is of great historical importance to the village and has remained unchanged since the 18th Century. The proposed extension would change the character of the building and the proposed design is not appropriate resulting in a detrimental impact on the historical building.*

25. *There are outstanding breaches of previous planning consents which have not been addressed by the Borough Council.*
26. On receipt of the revised plans the parish confirmed their objection remained, stating:
27. *"The objection from the Parish Council still stands as none of the concerns have been addressed in the revised proposals."*
28. Following receipt of the above comments the Parish were engaged to ensure they had noted the main alterations to the proposed development. A further comment was received confirming the following:
29. *"In relation to our recent telephone conversation, I can confirm that the objections to the current applications at The Old Wharf still stand."*
30. *The Parish Council does not feel that the business should be allowed to increase in capacity while the currently issues relating to parking and the outstanding breaches to conditions outlined in previous applications have not been resolved. The loss of the only internal storage area will result in the 'shed' becoming the only option for storage which the Parish Council feels is not a suitable solution."*

Statutory and Other Consultees

31. The Borough Council's Conservation and Design Officer initially objected to the proposed development, raising concerns regarding the extension, roof lights, and use of the site and concluding that there was no 'compelling evidence to justify extension to the Grade II Listed Building'. It was concluded that the development would fail to preserve special architectural and historic character and appearance of the building as a listed building as is described as a 'desirable' objective in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
32. Following the submission of revised plans the Conservation and Design Officer commented further, removing their objection to the development. The Officer stated that the new internal doorway would represent a modest change to the fabric of the building and would not involve the loss of any features of historic or architectural significance. The omission of the previously proposed extension would also better retain the historic character and form of the building whilst the repositioned roof lights would be much less prominent. In conclusion the Officer stated that the development 'preserves' the special architectural and historic significance of the building as a listed building addressing previous concerns and complying with the 'desirable' objective described within section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. Nottinghamshire County Council as Highways Authority raised no objection to the proposal, but did note the deterioration of the site access from Main Street which is shared with Faulks Plant Hire. The applicant has confirmed ownership of the site access for which Faulks shares access. The Highways Authority have raised no objection to the development subject to a condition

requiring the access to be repaired with a bound surface for a minimum of 5m beyond the highway boundary.

34. The Canal and River Trust commented on the application stating that the alterations proposed are small in scale, and sympathetic to the overall character of the building. The Trust therefore concluded that the proposal would not adversely affect the character and setting of the Listed Building, and should not harm the character of the Hickling Basin as an important feature within the village conservation area.

Local Residents and the General Public

35. 2 Public comments were received, one objecting to the proposed development and one neither objecting to nor supporting the proposed development. The comments can be summarised as follows:
- a. They will be led by the Conservation Officer as to whether the development is suitable in a conservation area and sympathetic to the Listed Building.
 - b. Does the application represent a change of use as the bike hire is no longer on the scheme?
 - c. The green storage shed which is 'interim' will need to be removed and there is not storage within the Wharf Building as now proposed.
 - d. Onsite parking must not be detrimental to the setting of the Listed Building.
 - e. Overspill parking onto Main Street is currently an issue/concern as raised in previous applications.
 - f. One comment neither supporting nor objecting states that given the previously permitted applications at the site, going against the wishes of residents/parish, what is the point of commenting?

PLANNING POLICY

36. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
37. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
38. Any decision should, therefore, be taken having regard to the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

39. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act states that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
40. Section 66 of the Town and County Planning (Listed Buildings and Conservation Areas) Act 1990 states: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
41. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*
42. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible.
43. While the advice contained in section 3 ‘Supporting a prosperous rural economy’ is intended to assist the creation of local policy, the advice within section 3 makes clear that the NPPF supports sustainable growth and expansion of all types of business and enterprise within rural areas both through the conversion of existing buildings and well-designed new buildings. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations and promote the retention and development of local services and community facilities in villages.
44. Section 12 ‘Conserving and enhancing the historic environment’ is also relevant to this application. In particular Para 134 of the NPPF sets out the balancing assessment that should be undertaken when determining a proposal that affect heritage assets and states, ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use’.

Relevant Local Planning Policies and Guidance

45. The following Policies within the Core Strategy are relevant to this application:
 - Policy 10 – Design and Enhancing Local Identity.
 - Policy 11 – Historic Environment.

46. Policy 10 states that all new development must 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. Policy 11 then sets out how proposals will be supported where the historic environment is conserved and/or enhanced in line with their interest and significance.
47. The following Policies within the Non-Statutory Local Plan are relevant to this application:
- GP1 - Delivering Sustainable Development
 - GP2 - Design and Amenity Criteria
 - EN2 - Conservation Areas
 - EN4 – Listed Buildings
48. Policy GP1 sets put the principles of sustainable development whilst policy EN4 states that planning permission for extensions to, alterations to or the conversion of listed buildings will only be granted where it can be shown that features of architectural or historic interest are preserved. One further criterion seeks to ensure that the proposals respect the character of the building by virtue of their design, scale, siting and materials, ensuring any additions do not detract from the historic or architectural character of the building.
49. Policy EN2 states that planning permission for development including changes of use and alterations or extensions to existing buildings within a designated conservation area, or outside but affecting views into or out of the conservation area will be granted where:
- A) The proposal would preserve or enhance the character or appearance of the conservation area by virtue of its use, design, scale, siting and materials.
 - B) There will be no adverse impact upon the form of the conservation area including its open spaces, existing buildings and notable features.
50. Policy GP2 – Design and Amenity Criteria states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.

APPRAISAL

51. The main material planning considerations in the determination of the planning application are whether the development would have any impact on the amenity of neighbours or the wider area, whether the development would have any impact on the historic and architectural significance of the building or character of the conservation area as well as any highways considerations.

52. In relation to the amenity of nearby residents, the tea rooms use is well established on site. The application as now considered proposes to convert an internal store room into a further seating area for the use of patrons. Given no extensions are proposed, and the area to be converted would measure a modest 8.75m by 3m it is not considered that the proposal would result in any significant intensification of use of the site. Given the above, the indoor nature of the seating and the distance to residential neighbours, it is not considered that the proposal would cause any harm to the amenity of any nearby residents.
53. In terms of design the proposal includes very minimal alterations to the exterior of the building. The two proposed conservation roof lights to the east facing roof slope would be situated in the south east corner of the roof, adjacent the roof of the toilet extension and set lower than the ridge of the toilet building. Given this, the roof lights would have little to no visibility from any publically available views of the building. The comments from the Parish and the Ward Councillor stating roof lights would be inappropriate in the building are noted, however conservation roof lights are specifically designed for use in heritage buildings. It is therefore considered that given the design of the windows, and the discreet positioning, the features would not harm the special architectural and historic significance of the building, or character of the wider conservation area. This is in line with comments from the Conservation and Design Officer.
54. The proposed internal doorway would require the removal of a section of existing wall. It is considered that the removal of the section of wall would only represent a modest change to the fabric of the building and would not involve the loss of any features of historic or architectural significance. This element of the scheme is therefore not considered to raise any concerns.
55. The scheme proposes a wooden framed door in the opening to the north elevation. It is noted that this doorway has been fitted with a Upvc door and frame which is subject to separate action. Nonetheless this application proposes that the unauthorised Upvc frame is removed and replaced with a wooden frame appropriate to the building. At this stage no details of the wooden frame are available however the applicant has submitted a supporting letter stating their intent to replace. A condition on the Listed Building consent to require the submission of details prior to the use commencing is considered appropriate and necessary. Furthermore any Listed Building Consent that may be forthcoming must preserve the historic and architectural significance of the building. It is therefore considered appropriate to ensure the wooden frames are in place prior to the use of this part of the building commencing, securing the preservation of the historic and architectural character of the building by securing the removal of the existing inappropriate Upvc frame.
56. Given the discussions above, it is considered that development 'preserves' the special architectural and historic significance of the building as a listed building addressing previous concerns and complying with the 'desirable' objective described within section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the above it is also concluded that the development successfully 'preserves' the identified special architectural and historic character of the Hickling Conservation Area, complying with the

'desirable' objective described within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

57. In relation to highways matters, Nottinghamshire County Council as Highways Authority have raised no objections. They have noted the deterioration of the site access from Main Street which is also used by Faulks Plant Hire and have requested a condition that this access is resurfaced in a bound material for no less than 5m behind the highway boundary. Given the proposal would result in a minor intensification of use on the site, it is considered that there is scope to support such a condition. The concerns of the parish and local residents are noted however in the absence of any technical concerns with the parking provision on site it is not considered that a reason for refusal on such grounds could be sustained. The proposed development would represent a very limited intensification of use on the site and in conclusion it is considered that the proposal would not result in a material impact on highway safety at the site or highway network in the area.
58. The numerous comments relating to existing 'breach of conditions' and 'enforcement matters' on the site are noted, however these are subject to separate enforcement action where expedient and should not influence the determination of current or future applications on the site. The comments relating to storage are also noted and whilst the scheme would reduce storage space on site, any other new buildings proposed would require planning permission and would need to be assessed on their own merits.
59. The further comment relating to the bike hire business previously approved as part of the development are also noted. At this time this element of the business plan has not been implemented due to the success of the tea rooms. The current use of the unit solely as a tea rooms would not represent any material change of use from that as originally approved.
60. Given the above, it is considered that the proposed development accords with the relevant aims of the NPPF, Local Plan Part 1- Core Strategy and the Non-Statutory Replacement Local Plan. Accordingly, it is recommended that planning permission and Listed Building Consent are granted.
61. The application was not the subject of pre-application discussions. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and concerns raised in letters of representation. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

- (i) 18/00441/FUL - It is RECOMMENDED that planning permission be granted subject to the following condition(s)
 1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 'TW - 2018 - 01 - R1'; 'TW - 2018 - 02 - R1' & 'TW - 2018 - 03 - R2' received on the 22/03/2018 & 24/04/2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to the use of the additional internal seating area commencing the vehicular access on Main Street shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The access shall then be maintained in the bound material for the lifetime of the development.

[In the interests of highway safety].

AND

- (ii) 18/00442/LBC - It is RECOMMENDED that Listed Building Consent be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 'TW - 2018 - 01 - R1'; 'TW - 2018 - 02 - R1' & 'TW - 2018 - 03 - R2' received on the 22/03/2018 & 24/04/2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to the commencement of development at the site further details of new window and door joinery shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with the approved details.

[In order to ensure an appropriate and sensitive development and to protect the character and appearance of the listed building in accordance with the aims of Policy EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition is pre-commencement in order to avoid insensitive alterations to the listed building being carried out.]

4. The use of the extended internal seating area hereby approved shall not commence until such time as the existing Upvc door to the north elevation of the room has been removed and replaced in accordance with the details agreed in condition 3.

[In order to ensure an appropriate and sensitive development and to protect

the character and appearance of the listed building in accordance with the aims of Policy EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition is pre-commencement in order to avoid insensitive alterations to the listed building being carried out.]