

Application No:	21/01386/FUL
Proposal:	Retention of external canopy and food serving counter operating in connection to existing butchers (retrospective).
Location:	Hamiltons Butchers, Main Street, Farnsfield, Newark On Trent, NG22 8EF
Applicant:	Mr Mathew Hamilton
Agent:	Marchini Curran Associates – Mr David Gary
Registered:	17 August 2021 Target Date: 12 October 2021
	Extension of time agreed to allow application to be heard by Committee
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

This application is before the Planning Committee for determination at the request of the Business Manager for Planning Development.

The Site

The site comprises a small central part of a linear, traditional red brick and pantile outbuilding, gable end onto Main Street, with its side elevation running along the frontage of Tippings Lane, on the opposite side of Tippings Lane is the Co-op store. On the opposite side of Main Street are commercial uses. The site is situated within the Local Centre as defined by the Allocation and Development Management DPD.

The front (northern) section of the building is occupied by The Ironing Shop. To the rear of this, the building has been used as an ancillary store (containing fridges etc.) as well as a bakehouse associated with the adjacent butchers shop, for the making of pies, sausage rolls etc. The red line boundary of the application site also includes the butchers shop to the west (in a separate building that runs parallel to the outbuilding with its shopfront facing Main Street) and back of house area as well as the external courtyard/service area between the two buildings.

The site is situated in the centre of Farnsfield and also in the Conservation Area. The outbuilding historically was a slaughter house. The architectural detail of the building reflects the agricultural origins with cart openings and hopper windows.

There are some residential properties (often at first floor level) on the opposite side of Main Street, as well as to the rear of the building on Tippings Lane.

Relevant Planning History

No relevant planning history.

The Proposal

This application is retrospective and seeks the retention of an external canopy and food serving counter operating in connection to the existing butchers shop which has been operating since April 2021. The unit was previously used as a bakehouse (for pies, sausage rolls etc) and for storage in connection with the butcher business. Whilst physically separate in a different building, the use of a hot food serving counter is considered to remain part of and incidental to the existing primary butchers use.

Whilst it is set out in the application submission that no external alterations have been made to the exterior of the building to facilitate the food serving area use, a canopy has been added above the entrance to the subject outbuilding. This has since been included as part of this application. The canopy measures 5 metres in width x 1.4 m in depth. The eaves height is around 2.4m and the ridge level is approx. 3m. The waterproof covering is black/charcoal grey in colour. In light of the above, the description of development has been amended during the life of the application in agreement with the agent.



There is an existing external flue in the side (east facing) elevation onto Tippings Lane, however the agent has confirmed that this has been in place for a number of years (over 4) serving the bakehouse use and so does not form part of this application.

The hours of operation are:-

- 8:00 – 17:00 Monday to Friday;
- 8:00 – 17:00 Saturday;
- Closed Sundays and Bank Holidays.

The supporting Planning Statement submitted does state that food can be eaten 'on site' or taken away, however, when the officer visited the site, they saw no sign of any seating or table provision in the court yard area so it appears that the use is operating purely as a takeaway food serving counter in connection with the primary butchers shop.

Documents submitted:

- Site Location and Block Plan (Drawing No: (08) 01)
- Plan of ancillary food and drink serving area (Drawing No: (08) 02)
- Ventilation Details received 17 August 2021
- External canopy details received 6 October 2021
- Planning Statement

Departure/Public Advertisement Procedure

Occupiers of 23 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 7 – Sustainable Transport

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD Policies

Policy Fa/LC/1 – Farnsfield Local Centre

DM5- Design

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Farnsfield Neighbourhood Plan (adopted 28th September 2017)

FNP5: Creating a Thriving Parish

FNP7: The Quality of Development

Other Material Planning Considerations

National Planning Policy Framework (2021)

Planning Practice Guidance (online resource)

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Farnsfield Conservation Area Appraisal 2000

Conversion of Traditional Rural Buildings SPD 2014

Shopfront and Advertisement Design Guide SPD 2014

Making Changes to Heritage Assets: Historic England Advice Note 2

Consultations

Farnsfield Parish Council- After due consideration by Farnsfield Parish Council's Planning Committee, we would like to submit 'no comment' regarding this planning application. It was agreed that the retrospective planning application did not contravene planning policy.

NSDC, Conservation Officer- Farnsfield was designated a Conservation Area for its medieval origins on the eastern fringe of Sherwood Forest and growth and development in the 18th and 19th centuries. The buildings are arranged in a linear formation east-west and are a mixture of large detached houses, terraced cottages, public house and agricultural buildings constructed in red brick, some rendered, with pantile roofs.

The building is a historic building that has been associated with the butchery business. This part of the building historically was the slaughter house and this is reflected in the architectural character of the building. The building does not have a commercial/shop character. It is important that any alterations or additions do not erode this character of the building. The building contributes to the historic and architectural character of the conservation area, reflecting the agricultural and rural beginnings of the village.

As outlined in the traditional rural buildings SPD it outlines that alteration should be kept to a minimum. They should not affect traditional features such as openings and ventilation holes. The canopy to over an existing cart shed opening. As a fixed canopy it obscures this architectural feature. The addition also does not reflect the agricultural nature of the building and results in a very foreign feature.

The shopfront SPD outlines that traditionally canopies were used to protect goods from getting damaged by sunlight. They were typically integrated within the shopfront design and retractable. This canopy is retrofitted onto the building and the building is not a shopfront. The design of the canopy does not reflect a traditional canopy. The guidance outlines that there is typically not justification for a canopy for north facing front elevation or is in a narrow street. The business is located within a narrow street and the produce is not at risk of being damaged by the sun as it is not located within the shopfront.

Fixing a canopy box with a retractable canopy will result in an unsightly box attached to the building and therefore unacceptable. It is recommended that a simple frameless glass canopy should be considered.

It is considered the proposal will cause harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. The proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. In addition the proposal does not reflect the policy set out in the SPDs 'conservation of traditional rural buildings' and 'Shopfronts and Advertisements design guide'.

NCC, Highway Authority- The proposed fresh cooked food serving unit is very small and is intended as a business extension of the current butcher's shop located within the same site. The Highway Authority is aware of the on-street parking issues along Main Street, Southwell Road and Mansfield Road in Farnsfield. There are numerous areas along the main road going through the village where parking prohibition orders have been introduced to prevent vehicles from blocking the highway and accesses to properties. The applicant proposes no off-street parking for the shop but there is also none provided for the existing butcher's shop and other local shops along the main road. There are currently many operating business units located along Main Street, which is a focal business point for business in the Farnsfield village. There is no possibility for provision of any off-street parking for the proposed unit due to the historic nature of the site. Taking other local businesses into consideration which are located within the close proximity of the proposed unit, it would be unreasonable to recommend refusal of this small business unit, which works as part of the existing butcher's shop and is located in the prime business location of the village, to be refused on grounds of lack of off-street parking. Although, some concerns have been raised by

a resident living adjacent to the site, it would be expected that most of the customers of the proposed business would be local residents, who either walk to the shop as their single destination or as a part of a shopping trip, including local bakery, vegetable shop, mini-supermarket, and the butchers.

There are no highway objections to the proposal as it is not expected that the proposed business would have a detrimental effect on the highway safety and any existing on street parking.

NSDC, Environmental Health- I refer to the above application and noted there is to be an option to eat the products on site similar to a café. As such where seating is provided for eating and drinking the following you must provide the following:

Number of covers	Male toilet provision			Female toilet provision		Disabled toilet provision (unisex) with WHB
	WC	Urinal	WHB	WC	WHB	
1-25*	One WC with WHB that is suitable for use for disabled people					
26-60	1		1	1	1	1
61-100	1	1	2	2	2	1
101-120	1	2	3	3	3	1

One letter of representation have been received which makes the observation that this facility has increased the number of cars needing to park on Main Street.

Comments of the Business Manager

Principle of Development

Whilst the proposal is incidental to the existing butchers shop and does not represent a material change of use, it is acknowledged that the new facility diversifies the offer of the existing butchers shop contributing to the vitality and viability of the local centre. The butchers shop has an equivalent full time staff No of 4; the facility has not resulted in any increase in employment. Retrospective permission is sought for the retention of the external canopy and food serving counter operating in connection with the existing butchers shop.

The site operates as a food counter to the main butchers shop and there is no internal or external seating provided. Other than the food counter, there is only a small area of surfacing provided for customers to facilitate the adding of sugar/milk to drinks and sauces and other condiments to food etc. I am therefore content that the use is operating as a food serving counter and should not be regarded as a café as suggested by Environmental Health. I therefore do not consider it necessary for customer toilet facilities to be provided in line with the EHO comments.

Provided the use remains as a counter service operating in connection to the butchers shop I am satisfied that this incidental use is deemed acceptable in principle. Consideration with regard to the canopy itself is expanded upon below.

Impact on the Character and Appearance of the Conservation Area

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 189 of the NPPP states heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. This is re-iterated in Paragraph 199 that states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification it sets out in para 200.

In relation to Conservation Areas, the NPPF states that, '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, where appropriate, securing its optimum viable use.'

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are in proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

Policy FNP7 states that new development within Farnsfield should demonstrate how it has taken into account the character of the village in its design approach, specifically in relation to scale, materials and other matters.

The only external alteration relates to the external canopy attached to the brickwork elevation above the existing cart-shed opening and the stainless steel flue attached to the rear (east facing) elevation. The Council's Conservation comments are set out in the consultation section above and concludes that a canopy fixed to a traditional barn building is an alien addition that harms its vernacular character, form and features. In this case, the Conservation officer concludes that the development would result in a harmful impact, albeit less than substantial, on the character and appearance of this building which contributes positively to Farnsfield Conservation Area. It is considered there is no impact on the setting of any listed buildings.

In response to the Conservation Officer's comments, the following response has been received from the agent:

'The proposal comprises the retention of a canopy to the front of the food serving area within an existing enclosed area associated with the existing Butchers Shop.

After speaking with the client there are a number of practical reasons for the canopy, including:

- *The canopy protects the front of the serving area from the elements including sunlight and rain to offer an acceptable working environment to the staff.*
- *The original doors were restored at great expense, and become bloated and damaged when left to the elements. The canopy offers additional protection to this original feature.*

- *The development is reversible should the food serving area cease to operate.*

The canopy has been well designed to be in keeping with the existing restored fenestration and does not detract from the original layout and form of the historic buildings. The canopy is not in a prominent location and does not detract from prominent defining historic features within the Conservation Area.

It is my opinion that the location of the canopy within the enclosed yard would (i) have a neutral impact on the wider setting of the Conservation Area, (ii) would be in keeping within the existing local centre location where other canopies are present, and (iii) would have a neutral impact on the immediate context that it is experienced. It is therefore considered that the impact of the proposed development on the setting of the Conservation Area is neutral. The public benefits arising from supporting a local business within and existing local centre outweighs any perceived harm to the Conservation Area that has been identified.'

I do not agree with the agent that the impact on the Conservation Area would be a neutral one and it has not been demonstrated that the food counter service could not operate without the canopy in place and an alternative design of canopy has been suggested by the Conservation officer. Whilst it is accepted that the canopy is reversible in that it can easily be removed and that the external canopy can only be glimpsed from the public domain as one travels along Main Street and as such its impact could be considered to be limited, the harm to the character and appearance of the barn building whilst it is in place remains.

Section 72 of the LB&CA Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

However, the NPPF also states that where there is less than substantial harm, public benefits can be weighed against that harm. The PPG states:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.”*

Whilst I am aware of the economic benefits arising from the overall development in that it supports a local business, (which officers support), I remain unconvinced that the facility cannot operate successfully without the canopy currently in place and the protection of customers from the elements is a limited one. None of the above heritage benefits can be identified and whilst benefit could be afforded to the protection of the timber doors from the elements, again this is considered to

be limited. Benefits to the staff is a private benefit. I am not convinced therefore that the external canopy represents sufficient public benefit that would outweigh the harm identified in this case.

The proposal will cause harm, albeit less than substantial harm, to the character and appearance of the conservation area. The proposal is therefore as a matter of fact contrary to the objectives of preservation required under section 72 of the Act.

The proposal is contrary to the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. In addition the proposal does not reflect the policy guidance set out in the SPDs '*Conversion of Traditional Rural Buildings*' and '*Shopfronts and Advertisements Design Guide*'.

Impact on Amenity

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on amenity of surrounding land uses and should not cause unacceptable loss of amenity.

It is considered that the proposal would not result in any unacceptable amenity impacts.

Impact on Highways Safety

Core Strategy Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

There are no proposed changes to the access arrangements to the site as part of this application and given the highway restrictions in place, it is not envisaged that the proposal would result in any material highway safety issues. I am also mindful that there are no highway objections to the proposal from the Highway Authority as it is not expected that the proposed business would have a detrimental effect on the highway safety and any existing on street parking.

It is considered that the proposal in connection with the butchers shop is acceptable from a highway safety perspective.

Conclusion

It is considered that the retention of the small food serving area within the bakehouse, operating in connection with the butchers shop is acceptable in principle.

However with regard to the external canopy which is included and forms part of this proposal, it is considered the proposal would cause less than substantial harm to the character and appearance of the Farnsfield Conservation Area. No public benefits have been identified that would outweigh the harm identified.

The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. The proposal is contrary to the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. In addition the proposal does not reflect the policy guidance set out in the SPDs '*Conversion of Traditional Rural Buildings*' and '*Shopfronts and Advertisements Design Guide*'.

RECOMMENDATION

That full planning permission is refused for the reason set out below;

01

The external canopy fixed to the traditional barn building, represents an alien addition that harms its vernacular character, form and appearance, and detracts from the traditional architectural feature, of the cart shed opening. The harm identified is considered to be less than substantial, but no public benefits have been identified that outweigh the harm identified in this case.

In the opinion of the Local Planning Authority, the proposal is contrary to Core Policy 14 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM9 of the Allocations and Development Management DPD (2013), Policy FNP7 of Farnsfield Neighbourhood Plan (2017), it does not accord with the guidance contained within the National Planning Policy Framework (2021), the Planning Practice Guidance, Conversion of Traditional Rural Buildings SPD (2014) and Shopfronts and Advertisements Design Guide SPD (2014) which are material planning considerations and contrary to the duty of preservation set out under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant:

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

Application case file.

For further information, please contact Jon Pope on ext. 5999.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
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