

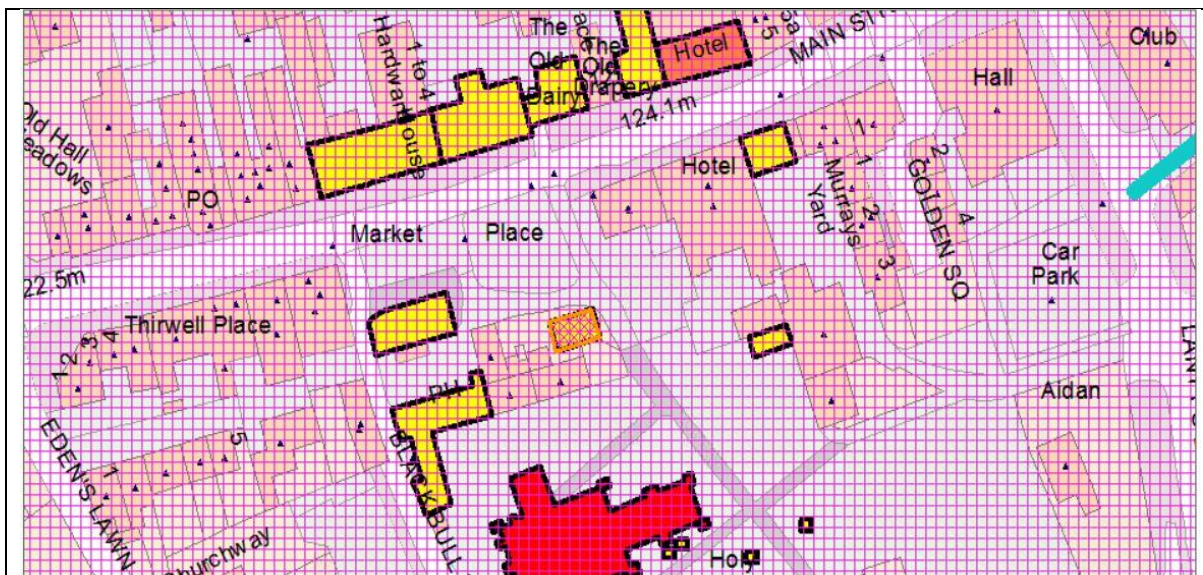


# Northumberland County Council

## Tynedale Local Area Planning Committee Tuesday 13<sup>th</sup> September 2022

<b>Application No:</b>	21/04595/LBC		
<b>Proposal:</b>	Listed Building Consent for Change of colour on front of building (retrospective)		
<b>Site Address</b>	Brew Bar, Market Square, Haltwhistle, Northumberland NE49 0BL		
<b>Applicant</b>	Mr Sam Jackson Market Square, Haltwhistle, Northumberland, NE94 0BC	<b>Agent</b>	
<b>Ward</b>	Haltwhistle	<b>Parish</b>	Haltwhistle
<b>Valid Date</b>	15 December 2021	<b>Expiry Date</b>	9 February 2022
<b>Case Officer Details</b>	Name: Miss Elinor Woodruff Job Title: Planning Technician Email: elinor.woodruff@northumberland.gov.uk		

**Recommendation:** That Listed Building Consent be Refused.



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### 1. Introduction

- 1.1 The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme. It was agreed that the application raises issues

of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

## **2. Description of the Proposals**

- 2.1 The application seeks Listed Building Consent apply a plastic based grey coloured paint to the exterior of the building known as Brew Bar, Market Square, Haltwhistle, NE49 0BL.
- 2.2 The work to the Grade II Listed Building has already taken place without Listed Building Consent.
- 2.3 The application property is a Grade II listed building and is within the Haltwhistle Conservation Area. The subject building faces the historic marketplace to the south of Main Street and north of Holy Cross church. The Grade II listed building has historic interest as a former ironmongers shop, an integral part of town life into the last century. Jackson & Sons ironmongers served Haltwhistle from 1780 to 1981. The building dates from the late 18th or early 19th century, so its fabric, squared rubble elevations and Welsh slate roof, has historic interest and evidential value.

## **3. Planning History**

**Reference Number:** 18/00071/LIC

**Description:** Application for a premises license.

**Status:** No Objection.

**Reference Number:** T/20050127

**Description:** Change of use from blacksmiths shop to gift shop and tea room

**Status:** Permitted.

**Reference Number:** T/940322

**Description:** Listed Building - Installation of street light

**Status:** Permitted.

**Reference Number:** T/20020240

**Description:** Change of use and conversion of first floor above existing shop to first floor flat and conversion of upper floor above blacksmiths workshop to maisonette including alterations to shop front at

**Status:** Permitted.

**Reference Number:** T/20020239 LB

**Description:** Listed Building Consent - Conversion of former blacksmiths shop and smithy to form two flats including demolition, internal and external alterations at

**Status:** Permitted.

**Reference Number:** T/ENQ/00021/2003

**Description:** Works not as per pp/lbc

**Status:** REPLY

**Reference Number:** T/ENQ/01280/2002

**Description:** works not as per pp/lbc

**Status:** REPLY

**Reference Number:** T/ENQ/01260/2002

**Description:** works not as per pp/lbc

**Status:** REPLY

**Reference Number:** T/ENQ/01259/2002

**Description:** Works not as per pp/lbc

**Status:** REPLY

**Reference Number:** T/ENQ/01194/2002

**Description:** Works not as per pp & lbc

**Status:** REPLY

**Reference Number:** T/ENQ/01153/2002

**Description:** Works to listed building contrary to pp20020240 & lbc 20020239

LETTER ALSO RECEIVED 14/10/2002

**Status:** REPLY

**Reference Number:** T/20050127

**Description:** Change of use from blacksmiths shop to gift shop and tea room

**Status:** Permitted.

**Reference Number:** T/940322

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#### **4. Planning Policy**

##### **4.1 Development Plan Policy**

## *Northumberland Local Plan (2022)*

Policy ENV 1 – Approaches to Assessing the Impact of Development on the Natural, Historic and Built Environment (Strategic Policy)

Policy ENV 7 – Historic Environment and Heritage Assets

Policy ENV 9 – Conservation Areas

Policy QOP 1 – Design Principles (Strategic Policy)

### 4.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2021)*

*National Planning Practice Guidance (NPPG) (2021)*

### 4.3 Other Documents/Strategies

Planning (Listed Buildings and Conservation Areas) Act (1990)

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2015)

## **5. Consultee Responses**

Haltwhistle Town Council	Supports the application as the colour is in keeping with surrounding buildings.
Building Conservation	<p>Objection,</p> <p>The listing entry for the former ironmongers, written in 1978, states that its marketplace facing elevation is painted white. Historic photos show that its white or cream painted stone walls with contrasting black painted fenestration have been an enduring presence on the south side of the marketplace.</p> <p>The applicant has painted the rubble sandstone north elevation of the building a dark grey, and the historic timber windows, shop front, doors and stone cills a darker shade of grey. The choice of colour is not natural and has a distinctly modern appearance which drastically alters the traditional appearance of the building and does not respect the historic fabric it conceals. The contrast between the different architectural elements of this principal elevation has been lost. No information on what paint has been used has been provided, therefore the applied paint could be harmful to the historic fabric beneath. A further site visit by Building Conservation identified that the paint was not a limewash and was instead a plastic-based paint and therefore is harmful to the historic fabric beneath.</p> <p>It is concluded that the unauthorised development fails the statutory test to preserve the special interest of the Grade II listed building and fails to preserve or enhance the character and appearance of Haltwhistle Conservation Area. Therefore, having identified harm to two designated heritage assets</p>

	Building Conservation cannot support this proposal and recommend refusal.
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## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Listed Building Consent, 27th January 2022

Hexham Courant 6th January 2022

### Summary of Responses:

None Received.

## 7. Appraisal

- 7.1 The main issue in the determination of this application falls on whether the development would preserve the listed building and its features of architectural and historic interest, having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). As well as Section 72, with respect to any buildings or other land in a conservation area, and relevant policies in the development plan and the aims of the NPPF.
- 7.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires the local authority to have special regard to the desirability of preserving the listed building, its setting, and any features of special or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the local authority with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Chapter 16 of the NPPF also places emphasis on the preservation and enhancement of heritage assets.
- 7.3 Paragraph 199 of the NPPF advises *“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”*.

- 7.4 Policy ENV 7 of the Northumberland Local Plan relates to the historic environment and heritage assets. Policy ENV 7 states *“development proposals will be assessed, and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland’s heritage assets and their settings”*. Policy ENV 7 follows on to states that *“development proposals, which will affect a site of archaeological interest, or a site which has the potential to be of archaeological interest, will require an appropriate desk-based assessment, and, where necessary, a field evaluation”*.
- 7.5 Policy ENV 9 of the Northumberland Local Plan relates to Conservation Areas. It states development *“Within a conservation area, or where its setting may be affected: It will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance;”* It also states that development that has harm that *“is less than substantial, this will be weighed against any public benefit that the same development may make to part 1(a) above, applying Policy ENV 7 (5);”*
- 7.6 As aforementioned, the application property is a Grade II Listed building located within the Haltwhistle Conservation Area. The Council’s Built Heritage and Design Officer has been consulted on this application to assess the impact of the proposed development upon the special interest of the Grade II listed building, as well as the impact upon the character and appearance of Haltwhistle Conservation Area. Built Heritage and Design has reviewed the application’s supporting documents which includes a design and access statement and heritage statement and visited site. The painting of the north elevation of the subject building a dark grey, has already taken place so historic photos and Google map images have been used for the assessment.
- 7.7 The listing entry for the former ironmongers, written in 1978, states that its marketplace facing elevation is painted white. Historic photos show that its white or cream painted stone walls with contrasting black painted fenestration have been an enduring presence on the south side of the marketplace.
- 7.8 The CACA notes that the predominant material in Haltwhistle is local yellow-grey sandstone, laid either as ashlar or coursed rubble, although some buildings like the subject building are rendered and painted in a variety of traditional pigment colours. On some old buildings, the original stonework was never intended to be left exposed, especially if of a lower quality such as rubble, and a lime plaster covering was used to provide added protection to the masonry, especially on north facing elevations. This also allowed them to ‘breathe’ through the continuous wetting/drying cycle to which they were exposed by nature. The covering would have been a natural colour with warm tones such as off white or cream, like that on the building’s north elevation prior to the unauthorised work. Other buildings around Market Square also have a white or cream render including the Grade II listed 1 Market Square, listed under Sammys Chop Suey House (reference 1370337) and the Black Bull Inn (reference 1045231).
- 7.9 In stark contrast, the applicant has painted the rubble sandstone north elevation of the building a dark grey, and the historic timber windows, shop front, doors and stone cills a darker shade of grey. The choice of colour is not natural and has a distinctly modern appearance which drastically alters the traditional

appearance of the building and does not respect the historic fabric it conceals. The contrast between the different architectural elements of this principal elevation has been lost. A further visit by the Built Heritage and Design Officer, it was found a plastic-based paint has been used which is vapour impermeable. This type of paint is harmful to the historic fabric beneath because it does not allow the building of traditional construction to 'breathe' and will cause deterioration to the stone. It therefore does not preserve the Grade II listed building.

- 7.10 It is concluded that the unauthorised development fails the statutory test to preserve the special interest of the Grade II listed building and fails to preserve or enhance the character and appearance of Haltwhistle Conservation Area. Therefore, having identified harm to two designated heritage assets Design and Built Heritage cannot support this proposal and have recommend refusal. Officers are mindful of the provisions of Paragraph 202 of the NPPF, and it is considered that sufficient public benefit for this identified harm has not been demonstrated.
- 7.11 For the above reasons, the proposal conflicts with Policies QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan and with the provisions of the NPPF.

#### Equality Duty

- 7.12 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### Crime and Disorder Act Implications

- 7.13 These proposals have no implications in relation to crime and disorder.

#### Human Rights Act Implications

- 7.14 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.15 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is

any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 7.16 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

- 8.1 National and local planning policies have been taken into consideration when assessing this application. The proposed works would not preserve the special interest of the Grade II listed building and would cause harm to the character and appearance of Haltwhistle Conservation Area. The proposal would not accord with Policies ENV 7 and ENV 9 of the Northumberland Local Plan or the principles within National Planning Policy Framework, which promote the preservation and enhancement of heritage assets including listed buildings.

## **9. Recommendation**

That this application be REFUSED Listed Building Consent for the following:

1. The works to change the colour of the exterior to dark grey and use a plastic based paint fails to preserve the special interest of the Grade II Listed Building. The proposal would cause less than substantial harm to the significance of the Grade II Listed building and no public benefit for the work has been demonstrated. The work does not accord with policy ENV 7 of the Northumberland Local Plan and aims of the National Planning Policy Framework. The proposal would also be contrary to the statutory duty at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.