

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 February 2010

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APPLICATION REF. NO:	09/00872/LBC
STATUTORY DECISION DATE:	5 March 2010
WARD/PARISH:	CENTRAL
LOCATION:	3 Crown Street, Darlington
DESCRIPTION:	Listed building consent for installation of security shutters to bay window (retrospective)
APPLICANT:	MR KEVIN BEATTIE

APPLICATION AND SITE DESCRIPTION

This is a retrospective application for listed building consent for the installation of external security shutters to a bay window at the front of the premises, which is currently used as a gents hairdressers, following a number of attacks vandalism on the shop. The fitting of the shutters has involved fixing of black metal shutter housing to the top of the bay window and the installation of rails and running gear around the window to accommodate the shutters once they are in place. These are also a dark grey colour.

The application property is located on the north side of Crown Street and is a Grade II listed building. The property is also located within the Town Centre Conservation Area.

A Design and Access Statement has been submitted with the application.

PLANNING HISTORY

The application property has a lengthy planning history, the most recent and relevant of which is set out below:

94/00685/MISC – Change of use from amusement centre to retail shop (Class A1) GRANTED 21 November 1994

95/00506/CU – Change of use of first and second floor offices to ladies leisure club. GRANTED 18 September 1995

95/00609/LBC – Listed building consent to remove internal stud walls, widening of doorway in first floor load bearing wall and addition of reinforced window. GRANTED 26 October 1995

00/00801/CU – Change of use from Class A1 retail shop to Class A2 financial and professional services. REFUSED 22 January 2001

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan 1997 are relevant to consideration of this application:

E29 – The Setting of New Development

E38 – Alterations to Business Premises

Planning Policy Guidance 15 – Planning and The Historic Environment is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Conservation Officer

I have been involved with the proposal to install security shutters as a result of the vandalism that the applicant is suffering, at the pre-application stage. My advice, sent in a letter to the now applicant, advised him that listed building consent would be required for such works, but that it would not be supported due to the highly damaging nature of them. The letter encouraged him to meet to discuss alternative security measures. The applicant ignored this advice and we caught him having the shutters installed illegally. He was advised to stop, informing him he was committing a criminal offence but he allowed the works to continue, being in receipt of a letter from Building Control informing him that the works would not require building regulations approval. He was advised to remove the shutters immediately but, against, my advice, they have chosen to apply for retrospective consent, to retain the shutters. A listed building enforcement notice has been served and we are considering prosecution.

Arguably these works have compromised the most important and significant architectural features of this building, particularly to the passer by. The overall effect upon the building as a whole is not to be underestimated, because the ground floor prior to the works was in good condition and was highly consistent in its detail, proportion and material quality. Therefore I strongly advise that this application be refused on the grounds that the installation of these shutters is contrary to PPG15.

Durham Constabulary Police Architectural Liaison Officer

Confirms that the premises have been attached on four separate occasions where the shop windows have been broken and damage has been caused internally to fixtures and fittings. From a crime reduction point of view fully support the installation of the security shutters as they have provided a positive result with no further incidents of damage.

PLANNING ISSUES

The main issues for consideration are the impact of the installation of these shutters on the character of this Grade II listed building and also upon the character and appearance of the Town Centre Conservation Area.

The application property, 3 Crown Street, forms a third of a large, late 19th or early 20th century shop and showroom. The building has experienced substantial internal alterations but the frontage has remained unaltered since listing in 1977. The listing describes the building as follows:

Late, large, C19 or early C20 shop and showroom building of 3 storeys, 7 bays of wide double sash windows alternating with single ones. Fancy leaded glazing in upper sashes. Pale pinkish

brick with red brick quoins and dressings, including gauged window arches with raised triple keys and moulded cill hands. On ground floor 3 grand canted bay shop fronts with fancy glazing above and segmental arches front and sides. At left a yard entrance under a very wide elliptical arch. The whole ground floor, including window arches and mullions and panelled stallrisers, is of glazed tile. Elaborate brackets support a full width canopy above a dentil cornice. High pitched slated roof with end brick chimneys. Deep eaves soffit with long, bracket-like modillions’.

The key architectural feature of the building is its frontage, particularly the canted bay shop front, which is specifically referred to in the listing, the ceramic tiles and leaded glass in the transom light on the ground floor and the attractive leaded sash windows on the first and second floors. The building also lies within, and makes a positive contribution to, the Town Centre Conservation Area.

Paragraph 3.3 of Planning Policy Guidance Note 15 ‘Planning and The Historic Environment’ states that listed building consent should not be granted for works that affect the character of a listed building, *‘while the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to have ‘special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possessed’.* Annex C ‘Guidance on Alterations to Listed Buildings’ of PPG15 provides guidance on security shutters and states, at paragraph C.55, that *‘external steel roller shutters are not suitable for historic shop fronts. Traditional timber shutters give reasonable protection: laminated glass and internal chain-link screens are modern alternatives’.* Local Plan Policy E38 (Alterations to Business Premises) also states that alterations to retail and business premises, including the installation of shop fronts, security measures and signing will be permitted if there would be no material adverse effect on the character and appearance of the building, or of the streetscene in which the building is located.

The Council’s Conservation Officer has advised that the shutters have almost obliterated the frontage of this building, which is its primary feature of architectural importance. The shutter boxes, running gear and channels have been affixed to the glazed tiles; these have been drilled through to the substrate and have damaged beyond repair. Should the shutters be removed what is still left is the lasting damage to the tiles, which are potentially irreplaceable. The visual impact of the shutters throughout the day is severe due to the upper housing boxes and the vertical rails that are painted black, in both colour and material contrast with the fine quality materials of the glazed shop fronts and partially blocking the leaded transom light between the shop front and the fascia. By night this is further exacerbated by the opaque and industrial nature of the closed shutters. This is unacceptable not just because of the physical and visual damage but because alternative solutions, which could have resolved the applicant’s security issues whilst respecting the character of the listed building. She also advises that the impact of the shutters on the Town Centre Conservation Area is also severe and they do not preserve or enhance the conservation area as required by PPG 15.

The Conservation Officer has been involved with the proposal at the pre-application stage advising that the shutters would require listed building consent but that because of their impact on the character of the listed building, an application would not be supported. An offer of a meeting to discuss alternative security measures was offered, however the applicant proceeded to install the shutters without obtaining the necessary planning consents.

In support of the application, the applicant has submitted a statement setting out the reasons for installing the shutters, following repeated attacks of vandalism on the premises. The applicant has advised that he has installed alarms and cameras, however they have not offered sufficient deterrent to further attacks. He has also included a copy of a letter in support of the retention of the shutters from Lynsey Carter, a Police Community Support Office with Durham Constabulary. Both of these letters are appended to the report in full.

While Officers are sympathetic to the applicant's situation, it is not considered that in this instance this is sufficient to set aside the serious concerns regarding the unauthorised damage to this Grade II listed building and the impact that the retention of the shutters would have on the character of this building, contrary to advice contained within PPG15 and Local Plan Policy E38 (Alterations to Business Premises). The Conservation Officer did offer a meeting to discuss alternative security measures, suitable for a Grade II listed building, however the applicant did not chose to take this up.

A listed building enforcement notice has been served on the applicant and takes effect on 25 February 2010. The notice requires the applicant to remove the external window shutters, shutter box, rails and running gear from the building and to replace all damaged external tiles with new or second hand tiles of the same proportions, colour and material. The notice gives the applicant a 6-month period for compliance, which would in effect allow sufficient time for further discussions to take place regarding alternative security measures at the premises.

The consultation exercise carried out in respect of this application does not expire until 19 February 2010. Any comments received after the preparation of the report will be reported verbally at the meeting. The decision notice will not be issued until the consultation period has expired, however should any comments be received which raise new issues then the matter will be reported back to members.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The visual impact of the shutters throughout the day is severe due to the upper housing boxes and the vertical rails that are painted black, in both colour and material contrast with the fine quality materials of the glazed shop fronts and partially blocking the leaded transom light between the shop front and the fascia. By night this is further exacerbated by the opaque and industrial nature of the closed shutters. Furthermore, damage has been caused to the tiles to the front of the property by the fixing of the shutter box, rails and running gear directly into the tiles. This is unacceptable not just because of the physical and visual damage but because alternative solutions, which could have resolved the applicant's security issues whilst respecting the character of the listed building, are available. The retention of the shutters, shutter box, rails and running gear is therefore considered to have an unacceptable impact on the character of this Grade II listed building, contrary to guidance contained within PPG 15 – Planning and The Historic Environment.

RECOMMENDATION

PROVIDED NO OBJECTIONS ARE RECEIVED ONCE THE PUBLICITY EXERCISE HAS EXPIRED ON 19 FEBRUARY 2010, THAT LISTED BUILDING CONSENT BE REFUSED FOR THE FOLLOWING REASON:

1. The retention of the shutters, shutter box, rails and running gear is considered to have an unacceptable impact on the character of this Grade II listed building and the character and appearance of the Town Centre Conservation Area by reason of the visual impact of the shutters, shutter box, rails and running gear on the character and appearance of the application property and also the damage caused by affixing this equipment directly into the tiles on the shop front. Furthermore, the Local Planning Authority is not satisfied that sufficient consideration has been given to alternative, less harmful security solutions. The application is therefore contrary to guidance contained in Planning Policy Guidance Note 15 – Planning and The Historic Environment and Policy E38 (Alterations to Business Premises) of the Borough of Darlington Local Plan 1997.