

PLANNING COMMITTEE – 5 OCTOBER 2021

Application No:	20/02498/FUL		
Proposal:	Change of use and internal and external alterations to warehouse to new business hub, co-working office space and cafe (Classes E(b) and E (c)(ii)).		
Location:	Warehouse, The Wharf, Newark On Trent		
Applicant:	Cartledge		
Agent:	Benoy		
Registered:	15 March 2021	Target Date: 10 May 2021	Extension of Time Agreed to 08 October 2021
Link To Website:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLJAQMLBL0900		

The application is before the Planning Committee for consideration as it would involve a departure from the statutory development plan, by virtue of permitting main town centre uses that could be accommodated within Newark Town Centre in an 'edge-of-centre' location.

The Site

The application relates to a vacant historic warehouse and associated buildings located on the north side of Dobsons Quay, which connects The Wharf to Bar Gate, within the main built up urban area of Newark and its defined Conservation Area. The original building features red brick facades, cornice brick detailing, recesses and a pitched pantile roof. The frontage has a uniform appearance with squared double-height recesses and round-headed arched windows and an off-centre large cart door opening. With reference to the Council's 'Non-Designated Heritage Asset Selection Criteria', the building is an industrial building that has historic and architectural interest and significant due to its association and representativeness of the Town Wharf development and association with the Handley family.

To the north/rear of the site is Handley House, which is a prominent Grade II Listed Building. Handley House is a large house dating from the late-17th century and early-18th century with red brick and hipped slate roof. The house is significant due to its association with the Handley family who were prominent figures in the growth of Newark's brewing industry in the late-18th and 19th century. Whilst the application site/warehouse is historically associated with Handley House, it was in separate ownership at the time of listing, so is not considered to be curtilage listed but part of the wider setting of the listed house. 1a Town Wharf is immediately adjacent to the site and is a Grade II Listed Building.

Relevant Planning History

None relevant.

The Proposal

The application seeks planning permission for change of use to a café and offices with associated WC and kitchen facilities, social areas and external courtyard. The vacant historic warehouse is proposed to house a 10ft shipping container fitted out to a café with mezzanine seating above and an additional associated seating area opposite the container. A glazed entrance would be installed to the rear of the historic warehouse to form secure access to the proposed office space, which would operate as a shared coworking space¹. A new platform lift, raised floor and steps would be installed to improve access between the adjoining spaces and an accessible WC installed within the proposed café area.

The proposed external alterations are described in detail in the submitted Heritage Statement and would include the following:

- Repointing damaged brickwork
- Refurbishment/replacement of windows and doors
- Replacement of damaged roofs
- Erection of new infill wall to west elevation, installation of new roof and rooflights
- Installation of timber decking

Departure/Public Advertisement Procedure

Occupiers of 31 properties have been individually notified by letter. Two site notices have also been displayed near to the site and adverts placed in the local press (first to advertise the application and second to advertise the departure).

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 8 – Retail & Town Centres
Core Policy 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
Newark Area Policy 1 – Newark Urban Area (NAP1)

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment

¹ <https://drop-desk.com/what-is-coworking>

Policy DM11 – Retail and Town Centre Uses

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance

Town and Country Planning (User Classes) Order 1987, as amended.

Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

Consultations

Newark Town Council – NOT TO OBJECT to this application subject to a thorough Bat Survey being undertaken and provided that suitable mitigation was put in place regarding parking.

Newark Business Club – Support

Nottinghamshire Wildlife Trust The following facts from the report need to be addressed further prior to the works commencing. As a bat roost was confirmed within the building, it is necessary to obtain European Protected Species Licence from Natural England and further nocturnal bat surveys need to be completed. The bat report (RammSanderson, October 2020) gives further guidance on completing these requirements and we fully support the need for this action.

Environment Agency – No fluvial flood risk concerns

Nottinghamshire Lead Local Flood Authority – recommended note to applicant regarding surface water drainage.

NSDC Conservation – In summary, the proposal would involve works which would improve the condition of the building and reinstate traditional sympathetic features and materials. This will be an enhancement to the character and appearance of the Conservation Area and to the significance of the NDHA (par.192 of NPPF and policy DM9 & CP14). There are a few modern additions and alterations, but these have been designed to reflect the industrial character of the building and its setting. These modern additions will still conserve the overall significance of the designated and non-designated heritage assets. We are supportive of the proposal from a conservation perspective. For any consent granted, a number of conditions are suggested.

Economic Development – No objection, do not consider proposal will affect the Town Investment Plan

Environmental Health – Support, recommended note to applicant regarding food business registration

Environmental Services – Contaminated Land – recommend note to applicant regarding potential contamination.

One local resident has commented in objection citing concerns regarding loss of amenity and privacy from

- Overlooking from upper ground floor window, terrace and glazed

- Noise and disturbance from café and/or business hub

They have also queried the repainting of the 'Maltby's' sign, which is proposed to be refurbished as part of the scheme.

Comments of the Business Manager

Principle of development

The National Planning Policy Framework sets out a core planning principle that in decision-taking, Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.

The application site is located in Newark Urban Area, which is the Sub-Regional Centre for the District, as defined under Spatial Policy 1 of the Amended Core Strategy (adopted 2019). Newark Urban Area functions as the focus for residential, commercial and leisure activity within the District.

Impact on Newark Town Centre

Both the proposed office and café uses are classed as a main town centre uses. In accordance with the NPPF, a sequential test should be applied to applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The focus of main town centre uses is firstly they are to be located in town centres, then in edge of centre locations and only if sites are not available should out of centre sites be considered. The sequential test evaluates available sites with this priority order.

The application site lies just outside (30 metres from) the boundary of Newark Town Centre, which runs along the opposite side of Bar Gate, and, as such, is considered to constitute an 'edge-of-centre' location as defined in the NPPF. Based on a recent survey of vacant units within Newark Town Centre by the Council, it is unlikely the proposal would pass the sequential test, as there are units that could accommodate both uses together or separately within Newark Town Centre. The proposal therefore constitutes a departure from this policy.

Notwithstanding, there are locational factors that weigh in favour of supporting the proposed development. The proposal would provide coworking office space, which is becoming increasingly popular with freelancers, remote workers and small businesses/enterprises, as it is a flexible, low-cost alternative to working from home or leasing traditional office space. It is therefore vital that such office space is in a location that can be commuted to/from easily. Not only is the site within a short walking distance from Newark Town Centre, but it is also a 5-minute walk from Newark Castle Railway Station and a 7-minute walk from Newark Bus Station. It is also close to the A1 corridor, with pay and display parking available along The Wharf and Riverside. It would therefore be highly accessible to those who wish to work remotely or within a coworking space and contribute positively to the diversity of uses within and around Newark Town Centre. It is also close to restaurants, cafes and food stores, some of which are located within Newark Town Centre, so the development would still, albeit indirectly, support the vitality and vibrancy of Newark Town Centre. Finally, the proposal would bring an empty historic building back into use, providing environmental enhancement for public benefit whilst also preserving an important part of Newark's industrial heritage.

Impact on character and appearance of the Conservation Area

Core Policy 14 'Historic Environment' of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance; and the preservation and enhancement of the special character of Conservation Areas including that character identified through Conservation Area Character Appraisals which form the basis for their management.

In accordance with Core Policy 14, development proposals should take account of the distinctive character and setting of individual conservation areas including open space and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing (Policy DM9 'Protecting of the Historic Environment' of the Allocations & Development Management DPD). Development proposals for development affecting or within the curtilage of listed buildings will be required to demonstrate that the proposal is compatible with the fabric and setting of the building (Policy DM9').

The application property is located within Newark Conservation Area and the setting of Handley House, which is a prominent Grade II listed building. Consequently, special regard should be given to the desirability of preserving or enhancing the character or appearance of that area in accordance with the duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally, development which affects a listed building or its setting, preserving the building or its setting or any features of special architectural or historic interest which it possesses should be undertaken in accordance with the duty contained within Section 66(1) of the 1990 Act.

The application is supported by a Heritage Statement. The Council's Conservation Officer has considered the application and raised no objections to the proposed change of use on the basis that it would improve the condition of the building and reinstate traditional sympathetic features and materials. Subject to the recommended conditions, the proposal would therefore accord with the aforementioned policy framework.

Impact on residential amenity

Policy DM5 of the Allocations & Development Management DPD requires development proposals to have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The application property is located within a mixed area, with the nearest residential properties located to the north at Brewer's Wharf.

One local resident has raised concerns regarding loss of amenity and privacy from potential overlooking and noise and disturbance from the proposed uses.

The applicant's architect has provided additional information on the management, monitoring and security of the premises, including a full time employee being on site during opening and access control system for the proposed offices. The rear courtyard would be accessible to office users only and provide external space for comfort breaks, so would not be in use for prolonged periods. This equally applies to the associated terrace, which would essentially be a refurbished version of the the existing platform and steps that provide access to the rear courtyard. Existing vegetation along the boundary is proposed to be retained and planters added for additional screening.

Regarding potential overlooking from the west elevation window (shown on drawing no. MA 21 AL02 A). This window is currently boarded up with timber sheet and does not form part of the proposal i.e. there is no proposed change of use of this area. The applicant's architect has indicated that they may infill the window with brickwork to match existing, recessed visually to maintain the original form, which would be acceptable.

The proposal will therefore have no detrimental impact on the amenity of surrounding land uses, including residential properties.

Impact on highway safety and parking

Spatial Policy 7 requires development proposals to provide appropriate and effective parking provision in line with Highway Authority best practice and ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems.

No additional parking is proposed as part of the proposed development. However, as stated above, pay and display parking is available along The Wharf and Riverside. In addition, the site is sustainably located within walking distance of Newark Town Centre and its bus and railway stations. It is therefore considered the proposal would not have detrimental impact on highway safety and capacity.

Impact on ecology

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

During the application process, bat surveys were requested, to ensure adequate consideration of whether the proposed development is likely to affect bats, who are a protected species.

RammSanderson Ecology undertook a Bat Building Assessment in October 2020. Due to the late stage in the bat activity season in which the works were instructed, RammSanderson were only able to complete one nocturnal emergence survey and, therefore, advised that two further surveys would be required during the 2021 activity season to determine use of the site by bats. Further bat activity surveys were carried out in June and July 2021, and confirmed the presence of a possible bat roost and one common pipistrelle within and around the large modern steel framed structure forming the north boundary of the application site. This building does not form part of the proposal and, as such, the report details the development would not result in negative impacts to bats or result in destruction or disturbance of the roost location identified during the surveys. A protected species licence is therefore not required to undertake the works.

Notwithstanding the above, the report acknowledges that the brick buildings on site contain suitable roosting opportunities, which may be lost as a result of the works. Consequently, the report recommends the provision of two bat boxes and three bird boxes as compensation/mitigation. It is therefore considered appropriate to impose a condition on an approved application requiring details of any compensation/mitigation measures to be agreed with the Local Planning Authority prior to their installation. Therefore, subject to appropriately worded conditions, the proposed development is considered to meet the relevant provisions of Core Policy 12 and Policy DM5 of the DPD.

Other matters

Finally, the proposal indicates the existing 'Maltby's' sign to the west elevation would be repainted, which one local resident has queried, as it would not relate to the proposed change of use. The July 2021 update to the NPPF introduces a new paragraph (198) on historic statues, plaques, memorials and monuments, which states, when considering any application to remove or alter such features, local planning authorities should have regard to the importance of the retention in situ, where appropriate. The restoration of the existing sign would serve to acknowledge the historic use of the building and would enhance the building's character, which would remain distinctly industrial, despite the proposed change of use.

Conclusion

The proposed change of use is considered acceptable and would support economic growth in Newark, in accordance with Spatial Policy 1 of the Amended Core Strategy DPD. The proposal would preserve the special architectural and historic interest of nearby listed buildings and the character and appearance of Newark Conservation Area in accordance with the duties contained within Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; and the requirements of Core Policy 14 of the Core Strategy DPD and Policy DM9 'Protecting of the Historic Environment' of the Allocations & Development Management DPD and relevant guidance contained within the National Planning Policy Framework. In addition, the proposed change of use is not expected to create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems, in accordance with Spatial Policy 7 of the Amended Core Strategy DPD. Nor is it expected to result in any adverse impact on the amenity or operation of surrounding land uses, in accordance with Policy DM5 of the Allocations & Development Management DPD.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below;

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:

- MA 20 0002 A Proposed GA Ground Floor Plan
- MA 20 0102 A Proposed GA First Floor Plan
- MA 20 0202 A Proposed GA Roof Plan
- MA 21 AL02 A Proposed South and West Elevations
- MA 22 AL02 A Proposed GA Sections
- SA 20 0001 A Proposed Site and Block Plan

Reason: So as to define this permission.

03

Notwithstanding the submitted details, no development in relation to the following details shall be commenced until samples have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Roof tiles/materials
Matt metal cladding
Railings

Reason: In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

04

Notwithstanding the submitted details, no development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained in accordance with the approved details.

External windows and doors, including glazed entrance, and their immediate surroundings (i.e. cills, lintels and any recesses), including details of glazing and glazing bars

Ridge, verge and eaves details (new/replacement roofs)

Reason: In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

05

No development shall be commenced in respect of rooflights until a detailed specification of all new rooflights has been submitted to and agreed in writing with the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details. The rooflight(s) specification shall include details of:

- Size;
- Material;
- Colour;
- Method of opening;
- Method of fixing; and
- Appearance.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

06

Any new bricks required for the purposes of repairs shall match as closely as possible the size, colour, form and texture of the existing bricks.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

07

Any areas of new brickwork shall match the existing in brick bond, mortar and pointing technique. Re-pointing should be undertaken only where necessary and the mortar used should be consistent with the lime-based mortars used in the original construction.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

08

No part of the development shall be brought into use until a scheme of compensation/mitigation in accordance with the submitted Bat Survey Report (July 2021) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be thereafter carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

09

No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill, light pollution and impacts on nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual, residential amenity and ecology.

10

Notwithstanding The Town and Country Planning (Use Classes) Order 1987 (as amended), and The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any succeeding orders, the respective areas of premises shall be used for E(b) Sale of food and drink for consumption (mostly) on the premises and E (c)(ii) Other appropriate services in a commercial, business or service locality only.

Reason: To define the permission.

Informatives**01**

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

03

This application includes the conversion of warehouse buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.

04

The development should not increase flood risk to existing properties or put the development at risk of flooding.

Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council

05

Food businesses need to register the proposed food business with this Authority not less than 28 days before the business commences its operations. The following link directs you to an online form <https://www.gov.uk/food-business-registration>

BACKGROUND PAPERS

Application case file.

For further information, please contact **Amy Davies** on ext 5851.

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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