

PLANNING COMMITTEE - 15 FEBRUARY 2022

Application No:	21/00699/FULM (MAJOR)		
Proposal:	Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above.		
Location:	32 Stodman Street, Newark On Trent, NG24 1AW		
Applicant:	Newark and Sherwood District Council		
Agent:	RG+P Ltd.		
Registered:	11.10.2021	Target Date:	10.01.2022
		Extension agreed to:	21.02.22
Link to Application File:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQF2JILBMHB00		

This application is before the Planning Committee for determination as the applicant is Newark and Sherwood District Council.

The Site

The site is situated in the heart of Newark Town Centre, and comprises a two-storey former retail premises most recently occupied by M&S who vacated in April 2019 (since M&S's departure, the site has remained vacant). The site lies within the historic core of Newark Town Centre, within the designated Conservation Area (CA) and surrounding the site there are a number of listed buildings, notably Maurice Key Furnishings Warehouse (Grade II) located to the SW and properties along Stodman St to the NW and NE. The site has a prominent Art-Deco frontage on to Stodman Street (northern elevation) of approximately 13 metres and extends along St Marks Lanes to the south where the building is of more modern construction.

St Mark's Place, a modern shopping precinct lies to the east of the site and Lombard St lies to the south. A public right of way spans the length of the eastern elevation of the building and is a key through route from Lombard St through to the Market Place. The site is surrounded by predominately retail uses with a number of national occupiers adjacent. A small section to the rear also adjoins an adjacent multi storey car park. Loading and vehicular access is also provided from a private communal access off Lombard Street to the rear.

The site is located within the Newark Town Centre (NTC), Newark Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) as defined by Policy NUA/TC/1 of the Allocations and Development Management DPD and Newark Area Policy 1 'Newark Urban Area' as defined by the Core Strategy.

Relevant Planning History

There is extensive planning history relating to advertisements and alterations to the building as a commercial unit.

The Proposal

The application seeks permission for re-development of the site into a mixed use scheme of Use Class E space at ground floor with apartments above. The application seeks to demolish the existing building with the retention of the Art Deco façade and replacement with a 4-Storey development behind the main façade comprising 29 apartments. Public realm improvements are also proposed to the eastern side of the building providing an improved pedestrian through route from Stodman St to Lombard St, reinstating the historic St Mark's Lane.

In general the proposed building is scaled at 4 storeys with a maximum height of approximately 12.4m. The ground floor of the new build element would contain glazed panels and would span 80m in length, 15m wide approximately. Materials proposed include red brick with a combination of light and dark mortar, brick with lime wash (or white painted sections), rhomboid zinc tiles in grey forming cladding and stainless steel simple balustrades to match the panelling. Areas of perforated and textured brick panelling are also proposed to break up the elevations.

At Ground Floor: One 318.3m² unit accessed of Stodman Street and one 156.3m² unit accessed via St Marks Place shown as Use Class E. Servicing areas are also proposed in addition to a bin storage area and access to the apartments above. Accessed via Lombard St to the rear would be for 12 no. car parking spaces and 48 cycle spaces.

First, Second and Third Floors: 29 no. residential apartments (16 no. 1 bed and 13 no. 2 bed units) with private balcony spaces to the eastern side. A shared amenity space would also be provided above the third floor extension to the retained façade on Stodman St to serve the occupiers of the third floor apartments. Residential access would be via entry points off St Marks Place, Stodman Street and Lombard Street. The western side of the building would contain the walkways for access into each unit.

The application is supported by the following Plans and Documents:

- Site Location Plan – Ref. 101-137 (P) 020 A (deposited 28.01.22)
- Existing Plans – Ref. 101-137 (P) 030 (deposited 11.10.21)
- Existing Elevations – Ref. 101-137 (P) 032 (deposited 11.10.21)
- Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.2022)
- Proposed 1st and 2nd Floors – Ref. 101-137 (P) 002 K (deposited 30.11.21)
- Proposed 3rd Floor – Ref. 101-137 (P) 003 K (deposited 30.11.21)
- Proposed Roof Plan – Ref. 101-137 (P) 016 C (deposited 30.11.21)
- Short Sections – Ref. 101-137 (P) 017 B (deposited 30.11.21)
- Elevations – Ref. 101-137 (P) 018 I (deposited 28.01.22)
- Demolition Plan – Ref. 101-137 (P) 027 A (deposited 11.10.21)
- Bay Studies – Ref. 101-137 (P) 028 B (deposited 30.11.21)
- Design and Access Statement Revision B (deposited 28.01.22)
- Planning Statement (deposited 26.10.21)
- Statement of Significance (deposited 11.10.21)
- Site Wide Utility Services Report (deposited 11.10.21)
- Amended External Lighting Report (deposited 26.11.21)

- Ecology Report (deposited 11.10.21)
- Travel Plan Statement (deposited 12.10.21)
- Transport Statement and Appendices (deposited 11.10.21)
- Structural Inspection and Demolition Report (deposited 11.10.21)
- Viability Assessment (deposited 11.10.21)
- Noise Impact Assessment Report (deposited 11.10.21)
- Newark Market Review (deposited 11.10.21)
- HSP Consulting – Transport Technical Note (15.11.21)
- Access/Highways Plans:
 - o Proposed General Arrangement – Ref. T-HSP-00-00-DR--C-950 (deposited 26.01.22)
 - o Proposed General Arrangement with annotations – Ref. ST-HSP-00-00-DR--C-951 (deposited 26.01.22)
 - o Proposed Visibility Splays – Ref. ST-HSP-00-00-DR--C-952 (deposited 26.01.22)
 - o Car Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-953 (deposited 26.01.22)
 - o Delivery Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-954 (deposited 26.01.22)

Departure/Public Advertisement Procedure

Occupiers of 47 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press. Earliest decision date 18.10.2022

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail & Town Centres

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

NSDC Allocations and Development Management DPD (July 2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Policy NUA/TC/1 – Newark Urban Area: Newark Town Centre

Other Material Planning Considerations

National Planning Policy Framework and its Technical Guidance, 2021
National Planning Policy Guidance suite, on-line resource, March 2014
Planning (Listed Building and Conservation Area) Act 1990
National Design Guide, on-line resource, October 2019
Residential cycle and car parking standards SPD, 2021

Consultations

NB: A summary of consultee comments is set out below, comments can be found in full here:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQF2JILBMHB00>

Newark Town Council - No objection - subject to adherence to all recommendations made by statutory consultees. The Town Council would also strongly urge the District Council to reduce carbon emissions including the use of an alternative form of heating to gas.

Newark Civic Trust – No objection – comments received in support of the scheme which is considered to be a significant improvement to St Marks Place and the town centre. Observations made in respect of the design of the façade at ground floor on the eastern elevation and comments made about the service/delivery routes which should ensure vans etc. do not access via Stodman St.

NSDC Planning Policy – No objection – “Under Policy DM11, proposals for non-retail uses at street level within the Primary Shopping Frontages, as defined on the policies map, will not usually be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre. However, the changes to the use class order means that shopping frontages can only be used to control changes from former class A1 uses to non-class E uses. The mix of uses on the ground floor, whilst not entirely clear, would appear to be retail and office uses, so the ground floor uses would fall within the same use class (Class E). The role of these shopping frontages will be reviewed as part of the Review of the Allocations and Development Management DPD. However, whilst frontages remain part of the Development Plan, it is appropriate to give weight to the fact that the proposed new ground floor uses now fall into the same use class as the existing retail use and so, were no building work necessary, could independently occur without planning consent. The main purpose of the Town Centre policy is to maintain the vitality and viability of Centres, which is reflected in the wording of DM11. Given the proposed ground floor uses (if they comprise of retail and office space) are main town centre uses (as defined in the NPPF), then I would be comfortable concluding that they will positively contribute towards vitality and viability of Newark Town Centre. I would welcome the site of the Planning Statement once submitted so I can take a view on the precise ground floor uses proposed.”

NSDC Conservation – No objection subject to conditions – “The extent of demolition of number 32 Stodman Street, whilst causing minor harm [to no. 32 as a non-designated heritage asset] (at the scale of the lower end of less than substantial harm) from the loss of limited historic fabric, should be considered as part of the planning balance and against specific heritage benefits of the scheme. The scale, form, massing and details of the proposed replacement scheme have been well-considered to provide a responsive and contextual proposal that will both preserve and enhance the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. The scheme delivers tangible heritage benefits, especially in the re-forming of the traditional alignment of St Mark’s Lane and from the conservation of the Art Deco façade (which should be

secured by condition). The scheme has the potential to deliver further heritage benefits if a shopfront enhancement scheme is delivered.”

Historic England – No objection but concerns raised - “[...] Overall, we consider that the proposal would be harmful to the character, appearance and significance of the Newark Conservation area by virtue of its bulk and inappropriate design as outlined above. In addition, we believe that the bulk and detailed design of the proposal would further degrade the setting of the listed buildings to the immediate west.

This is a key strategic site for Newark and its redevelopment will set a benchmark for future development within the town centre. As previously outlined, we are very concerned that the current approach is not the right approach for this location and that it will set an undesirable precedent for future development in Newark, harming the character and appearance of the conservation area rather than enhancing it, and therefore ultimately not meeting the policy objectives and the statutory duty in relation to conservation areas. [...]

Historic England has serious concerns on heritage grounds as outlined in our letter of 4th November 2021. We acknowledge that the scheme has been revisited following our previous comments, however, the proposed revisions have failed to address our fundamental concerns. We are not opposed to a mixed-use scheme incorporating housing in this location and believe that there is scope to provide a high-quality development within this sensitive part of the conservation area. However, we are unable to support the current scheme and continue to urge your authority to reconsider its approach to the redevelopment of the site.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 197,199, 200, 202 and 206 of the NPPF 2021.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.”

LCC Archaeology – No objection subject to an archaeological condition for a mitigation strategy to effectively deal with this site given the high archaeological potential identified. This would initially include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development. Further archaeological mitigation work would be required if significant archaeological remains are identified in the evaluation. The evaluation must be undertaken following demolition to slab level of the existing buildings and prior to any further intrusive demolition or ground works.

Towns Fund Delivery Partner Heritage Specialist – Support the proposal - Overall the scheme offers a significant improvement to the public realm by the restoration of St.Marks Lane and sets a valuable precedent by reducing the development footprint of a site in favour of the town’s spatial and visual connectivity. The height of the proposals do not appear to be read from other nearby significant public realm locations or from the ground plane/ pedestrian level of significant heritage assets.

The proposal offers a significant opportunity to improve the setting for buildings in the immediate vicinity which are currently surrounded by detracting structures and a poorly defined public realm. The mixed use development and opportunity for community engagement will restore the historic hierarchy of St. Marks Lane and restore a higher level of connectivity between Stodman Street and

Lombard Street.

NCC Highways – No objection subject to conditions relating to: Securing TROs on Howitts Yard for off-site traffic management works, provision of a pedestrian footway and lighting along Howitts Yard, installation of Keep Clear markings on Lombard St opposite Howitts Yard, hard bound surfacing of the site access, provision of visibility splays, parking, turning and servicing areas, provision of surface water drainage to the access/parking areas, provision of cycle and car parking areas etc. – Note from Highways: Any details shown on the Access/Highways plans showing highway improvement works and amendments to existing Traffic Regulation Orders (TRO) on Howitts Yard shall be read as indicative only as they would be subject to a public consultation and a Section 278 agreement and design check, which are separate processes to planning.

NCC Rights of Way – No objection subject to an informative note regarding construction in proximity to public rights of way.

Environment Agency – No objection – “The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site which the EA would like to formally comment upon.”

NCC Flood Risk - No objection.

NSDC Environmental Health – No objection subject to conditions relating to: a demolition management and construction management plan, implementation of the recommendations detailed at Sections 7 and 8 of the submitted Noise Report to provide adequate protection against noise and excess heat, where windows need to be closed (for example Acoustic Ventilation Requirements and glazing requirements) and provision of an updated Noise Survey (including tap testing and implementation of any additional sound proofing as recommended) prior to the ground floor units operating under use E(d) Indoor sport, recreation or fitness (due to the current noise report not fully considering the potential for noise disturbance arising from this use).

NSDC Contamination – No observations in relation to land contamination.

NHS Clinical Commissioning Group – “Impact of new development on GP practice: The development is proposing 29 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx. 66.7 (B) (2.3 x A).

GP practice most likely to be affected by growth and therefore directly related to the housing development: It is unlikely that NHS England or Nottingham and Nottinghamshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is:

- Lombard Medical Centre
- Barnby Gate Surgery
- Fountain Medical Centre

Necessary to make the development acceptable in planning terms: All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased

population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area.

Plans to address capacity issues: The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards.

Fairly and reasonably related in scale and kind to the development: As a consequence and since the number of patients exceed 65, we would ask for £982 per dwelling for costs of Primary Health Care provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations, revised indexation 2016. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.

Financial contribution requested: £28,478 (29 x £982 per dwelling)."

NSDC Open Space – "There doesn't appear to be any open space available for this site, but due to the makeup of the apartments, i.e. 1/2 Bed Apartments, I feel there should be a request for a play provision, for small children, plus some adult exercise equipment. Nearest public open space would be St Mary Magdalene Church Gardens, where a provision for the above can be provided."

Strategic Housing – "The affordable housing policy requirements on the proposal is eight dwellings. Of these, five units should be designated as an affordable or social rent tenure and three units for intermediate housing (shared ownership) of which two units could be allocated for the First Homes Product. In the instance that the above does not meet with a RP's requirements, then the units could be converted to rent which would require six units. The Council may wish to consider a commuted sum payment in lieu of the above requirements."

AMK Independent Viability Assessment – "The overall conclusion of the AMK assessment is very similar to that [submitted by the applicant] – that there is a significant development deficit of over £2.9 Million requiring public subsidy to proceed. This deficit does not include any allowance for the additional cost of Affordable Housing or other S106 contributions (which are therefore considered economically unviable). In the event the Council decide to deliver a policy compliant scheme including 30% Affordable Housing and £87,019 of S106 contributions then the development deficit would increase by circa £700,000 to £3,639,067."

Severn Trent – No objection subject to a condition requesting drainage plans for the disposal of surface water and foul water.

Cadent Gas – No objection subject to inclusion of an informative note relating to gas infrastructure in the vicinity.

No comments have been received from any local residents/interested parties or from the following consultees: The Police, NSDC waste, Nottinghamshire County Council Planning Policy Team, the Ramblers, NSDC Community Facilities/Sports or Nottinghamshire Wildlife Trust.

Comments of the Business Manager

Principle of Development

The site is located within Newark Urban Area as defined by the Allocation and Development Management DPD and within the sub-regional centre set out in the Settlement Hierarchy defined by Spatial Policy 1. The site is well served by bus and rail transport links in addition to good cycling and walking routes. Spatial Policy 1 and Policy DM1 state that development will be focused within the Newark Urban Area and that such development should be appropriate to the size and location of the settlement and accord with other relevant policies of the Core Strategy and Development Plan Documents. Given the site is located within the main built up area of Newark which is a sustainable settlement the principle for residential development is considered to be acceptable.

However, Core Policy 6 requires the economy of the District to be strengthened and broadened and Core Policy 8 sets out the retail hierarchy for the District. The site lies within the Newark Town Centre (NTC), Newark Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) as defined by Policy NUA/TC/1 of the Allocations and Development Management DPD and Newark Area Policy 1 'Newark Urban Area' as defined by the Core Strategy. Policy NUA/TC/1 promotes Newark Town Centre as the major focus for new and improved shopping, leisure and tourism facilities. The town centre boundary illustrates the extent of the primary shopping area, as well as primary and secondary shopping frontages (as defined on the Policies Map). The primary shopping frontages are areas which contain the Town's key retailers, have strong pedestrian activity and are the focus for retail activity. The policy states that development of retail and other town centre uses within Newark Town Centre will be considered against the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to DM11.

Policy DM11 states that proposals for non-retail uses at street level within the Primary Shopping Frontages, as defined on the Policies Map, will not be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre. The retention of Primary Shopping Frontages within Newark is cited as being key to maintaining their vitality and viability and consequently substantial justification of the benefits is required in order to support non retail uses. In this context, retail uses comprise, according to Policy DM11, A1 (shopping), A2 (financial and professional services) and A3 (café and restaurant) uses. However, since this Policy was adopted, the Use Class Order (UCO) of 1987 has been amended a number of times with the most recent in 2020. The 2020 UCO revoked all of these former retail uses (including A4 (drinking establishments) and A5 (hot food & take away) putting them all, in this case into one use class (Class E – Commercial, business and service uses). Whilst this is the case, it is noted and acknowledged that whilst the Use Class position has changed, the thrust behind the Policy is to ensure that Newark Town Centre remains an active and vibrant place to visit.

This application proposes the demolition of a large retail unit (approx. 1480.8m² ground floor retail space) and replacement with a mixed use development with 474.6m² floor space at ground floor for commercial/co-working space. The supporting document indicates that the uses proposed could comprise co-working office space, however at present no end users have been confirmed and thus consent is sought for the units to be used in Use Class E.

A Market Review Assessment has been submitted which concludes that the large retail market in the area is struggling with other notable void retail units throughout the main shopping area. Investor and developer demand for high street retail is explained to be relatively limited in the current market with appetite for such large retail units marked as low. The Assessment explains that the current scheme could assist in creating opportunities for the building to be put into uses driven by market demand to create a more vibrant high street and town centre. The market

summary concludes that the serviced office sector has expanded over recent years and that there is an increasing *agile* working business community seeking greater office space flexibility. Comparable business centres are running at full or close to full occupancy which supports the need for this type of office/co-working accommodation in the locality.

Whilst not strictly '*retail use*', considering the changes to the UCO to bring about more flexibility, the mix of uses at ground floor would fall within the same use class (Class E). Comments from colleagues in Planning Policy advise that the role of these shopping frontages will be reviewed as part of the Review of the Allocations and Development Management DPD. However, whilst frontages remain part of the Development Plan, it is appropriate to give weight to the fact that the proposed new ground floor uses now fall into the same use class as the existing retail use and so, were no building work necessary, could independently occur without planning consent. The main purpose of the Town Centre policy is to maintain the vitality and viability of Centres, which is reflected in the wording of DM11. Given the proposed ground floor uses are main town centre uses (as defined in the NPPF), the scheme would contribute to provide complimentary uses to those already within the town that will positively contribute towards the vitality and viability. The development will further significantly contribute by way of providing 29 residential apartments which will increase footfall in the town during both the day and night.

There is a shifting emphasis recognised in the NPPF towards supporting the diversity of uses in town centre locations in order to support the vitality of town centres and the high street to adapt and diversify which has resulted in permitted development reforms and changes to the Use Class Order to allow the most effective use of existing buildings for both business and residential use. Such reforms seek to ensure the effective use of land for housing, to boost housing density in areas of high demand such as town centres and high streets and consequently increase footfall in the town centres to help support their vitality.

Furthermore, the scheme has arisen, in part, as a result of the Town Investment Plan and to reinvigorate this area of Newark Town Centre through introducing increased footfall and high-quality design intervention. The redevelopment of this site would have a significant positive benefit on the redevelopment of a brownfield parcel of land which is supported both at a local and national level. This is further emphasised with the Department for Levelling Up, Housing and Communities advancing grant funding towards the redevelopment of this site. It is anticipated that the redevelopment of this site would be a catalyst for other developments coming forwards within Newark Town Centre. Thus it is considered overall that the principle of this development is acceptable and in line with both local and wider national policy objectives.

Housing Mix and Density

Core Policy 3 states that the Local Planning Authority (LPA) will seek to secure new housing which adequately addresses the local housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. It goes on to say that '*such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information*'.

This scheme proposes 29 no. residential apartments as 16 no. 1 bed 2 person units and 13 no. 2 bed 4 person units. In the Newark sub area the Housing Needs Survey (2020) concludes that there is the greatest need in the Newark Town Centre for 1 and 2 bed flats that attract professionals rather than families given the limited external amenity space on offer. It is therefore considered that the mix proposed would align with the most up to date evidence in accordance with CP3.

In terms of density, the development site area is c.0.16 Ha therefore the proposal for 29 units would represent high housing density; however, this is not unusual within a town centre. Whilst high density in itself is not of a concern, this is subject to the units being of an appropriate size, design, and them providing adequate living standards. In this case all of the units meet the minimum gross internal floor space requirements set by the 'Technical housing standards – nationally described space standard' (March 2015) published by the government and would have their own external balcony amenity spaces. It is therefore considered that this higher density proposal would be acceptable within this town centre location.

Impact upon Character of Area and Heritage Matters

Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

Given that the site is located within the Conservation Area and within Newark's Historic Core regard must also be given to the distinctive character of the area and proposals much seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. Policies CP14 and DM9, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the NPPF.

The existing building yields very little surviving historic fabric save for the Stodman Street frontage and immediate return around the corner of the eastern elevation to St Mark's Lane. The north facing façade of the former Marks & Spencer shop is of two storeys in height, of a typically art-deco style 1930's design, which, on the whole, makes a positive contribution to the street scene and the Newark Conservation Area. This frontage is considered to be worthy of retention for its aesthetic and communal values, with polite stylistic features that have longstanding recognition within the town and its residents.



Front elevation corner Stodman Street / St Mark's Lane: Historic façade turns the corner and returns one bay along St Mark's Lane

The original building has been adapted and extended over the years, and other than what remains on Stodman Street, the building is predominantly insignificant, modern, and difficult to reuse for alternative contemporary means. Behind the historic front façade, and corresponding brick-built basement cellar, very little original structure remains. The bulk of the property is defined by a large-framed, modern concrete encased steel structure, with asbestos containing materials. The substantial alterations and extensions are noted in supporting surveys as making the building difficult to adapt. Whilst the building offers level access at Stodman Street, the rear access to St Mark's Place is a half-storey below the public realm and would require significant alteration to provide better access for all.

Owing to this elevated external perimeter, the extensive St Mark's Lane and Place elevations are blank at the public level, with no active frontage and/or engagement with the street. These bland and expansive side and rear elevations are not of the quality of design and construction commensurate with the historic townscape, and do not create any link to past activities or a sense of place. The replacement of this modern bulk of the building would provide opportunities for interesting and imaginative design, which could readily engage with and enhance its context. The supporting Statement of Significance Report explains that given the site context it could be possible to increase the scale of built form at this site to the more general three-four storeys of nearby buildings if handled correctly through careful design, so as to maximise the potential of the site.

In design terms, the full redevelopment of the premises presents an opportunity to improve the existing urban design deficiencies, as well as incorporating the only surviving historic fabric worthy and capable of retention: the art deco façade. The Statement of Significance also notes the opportunity to reinstate historic links (former St Mark's Lane) by removing the eastern projection of the building to give visibility north-south from Lombard Street to Stodman Street. This would improve pedestrian thoroughfare through to the Market Place and bring the opportunity to enhance the experience of this walkway by introducing an active frontage, but also to open up the passage so that it can be read as an inviting destination, thus attracting a greater pedestrian footfall.



Front elevation corner Stodman Street / St Mark's Lane: Proposed Visual

The design of the replacement building advanced (behind the retained façade) draws reference from the surrounding townscape, building and material features and stylistic design. The design,

whilst modern, clearly draws reference from the town's heritage and seeks to materially enhance the quality of the public realm. Whilst increasing in height to four storeys, the building would sit comfortably within the existing urban grain and would not become a dominating or imposing feature. The design of the building would increase activity within the street scene and utilise a human scale with active frontages to result in an improved public interface. Furthermore, the private amenity spaces proposed to serve the apartments would create a sense of natural surveillance which overall would create a more inviting pedestrian environment. At the 'rear' of the development (the former Marks and Spencer loading bay accessed via Lombard Street) the semi-enclosed circulation corridors and dual aspect design apartments would also provide a secure and monitored car park court area and deter any potential crime.



St Mark's Lane: Proposed Visual

Overall the replacement building would improve the permeability and legibility of the area, incorporates improvements to the public realm and presents an opportunity for the creation of a feature building with local interest and distinctiveness. The use of high quality materials and design standards for the building and public realm would help achieve a step change in perception for the area and encourage more active use. Overall the re-development approach accords with the principles set out within the National Design Guide and local and national policies relating to good design as set out above.

Heritage Matters

In respect of heritage impact, the proposal is within Newark Conservation Area and has the potential to affect the character and appearance of the Conservation Area. 32 Stodman Street has also been identified as being a Non Designated Heritage Asset (NDHA) in its own right and the building is a positive building within the wider Conservation Area (CA). Further, there are a number of listed buildings within close proximity to the application site and within the CA as set out in the Council's Conservation Officer's (CO's) comments.

Two sets of revised plans were received in Nov 2021 following initial advice from the CO. The advice sought to address concerns over the need to better articulate the rear façade, incorporate areas for signage on the front façade and create consistent window pane proportions to the front ground floor elevation. Discussions also related to the potential impact of the proposed solar panels on the roof. The following appraisal relates solely to the amended plans received.

In addition to comments received from the Council's CO, Historic England and the Towns Fund Delivery Partner Heritage Specialist have provided comments which appraise the heritage impact of the development. In summary Historic England have commented that they consider the proposal would be harmful to the character, appearance and significance of the Newark Conservation area by virtue of its bulk and inappropriate design. They consider the bulk and detailed design would further degrade the setting of the listed buildings to the immediate west and overall would fail to preserve or enhance nearby heritage assets. This is not an opinion shared by the Council's CO and I note that their comments specifically address the concerns raised by HE and explain how a different conclusion has been drawn which are well reasoned. To this I would note that it is not uncommon for professionals to have a difference in opinion, however I also note that comments have been received from the Towns Fund Delivery Partner (TFDP) Heritage Specialist which align with the assessment of the Council's CO which has led me to give more weight to the comments of the Council's CO. The TFDP Heritage Specialist concludes that they consider the proposal offers a significant opportunity to improve the setting for buildings in the immediate vicinity which are currently surrounded by detracting structures and a poorly defined public realm. In addition, they consider the scheme offers a significant improvement to the public realm and would deliver wider heritage benefits. The comments of the Council's CO will now be explored below.

Impact of the proposed demolition on the fabric and significance of 32 Stodman Street

Whilst the Art Deco façade of the existing building is considered to be a NDHA and to make a positive contribution to the CA, the Statement of Significance and Heritage Impact Assessment (HIA) submitted also identify several negative elements to the building, the HIA stating that the site, *'lies within the heart of the Conservation Area and makes both positive and negative contributions to its character and appearance'*. Firstly, it is important to understand the negative elements of the site, in terms of heritage significance, as the planning proposal sees the removal/alteration of these elements. The CO notes in their comments that the negative assessment of the side elevation as being *'bland and expansive'* rings true, while the rear elevation and service yard are blank and oppressive in places, with solid and blocky massing and few openings. The reports also describe the negative impact the food hall extension has had on the townscape of this area by diverting and truncating the ancient St Marks Lane, eroding the historic plan form of the town and curtailing views and desire lines. This element of the building would be removed with the current proposal. Given these have been identified as negative architectural elements, the CO concludes that their loss will cause no harm to the significance of number 32 Stodman Street and provides the opportunity to preserve or enhance the significance of the building.

The demolition would also include an element of side elevation of the building that was built contemporaneously with the Art Deco façade - the HIA states that the proposed development will bring about a very low degree of harm to the NDHA through the loss of its rear retail space and demolition proposed. The CO agrees with this assessment and advises that this limited harm would be at the lower end of the less than substantial harm scale and would need to be balanced against the public benefits from the application as a whole. The proposal preserves the primary interest of the building, being the Art Deco façade and first bay of the building behind, including the shopfront. The analysis undertaken by the CO notes how this is where the principal significance of the building as a NDHA lies and so this significance is retained. This not only retains the significance for the building in isolation but also in terms of how it relates to the streetscape and other C20 period shopfronts in the town and Conservation Area. The CO concludes that the proposal also provides opportunities to actually enhance the significance of number 32.

The CO has recommended that whilst the façade itself is not currently noted as being in a poor state or repair, given how important to the scheme for the retention of the façade is, it would be important to ensure this scheme does not overlook the long term conservation of this element. As such, a condition is requested to secure an agreed a specification of repairs where required and a timescale for implementation prior to key milestones in the project. Furthermore, whilst there has been no shopfront scheme submitted for the art deco façade the Applicant's intention is to improve this as part of the overall scheme, which the CO has advised should be conditioned in order to secure this further heritage benefit.

Overall there would be a minor level of harm, at the lower end of the less than substantial harm scale, as a result of some of the demolition works/loss of historic fabric proposed to 32 Stodman Street. For the purposes of the NPPF, the effect of a development on the significance of a NDHA requires a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203). As such, balanced against this harm would be tangible heritage benefits as a result of demolishing the more modern and negative architectural elements of the building, resulting in an enhancement of the significance of no. 32 and how it relates to the streetscape of the town and Conservation Area. Furthermore, I am mindful that there would be wider reaching public benefits as a result of this development in addition to other heritage benefits which would weigh in favour of the scheme. As such it is considered in this case that the low level of less than substantial harm to the NDHA would be outweighed by the benefits of the scheme as a whole. However, I am mindful that the NPPF advises that LPAs should not permit the loss of the whole or part of a heritage asset (such as the NDHA in this case) without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (para. 204). Therefore a condition will be required to ensure that the development takes place within a reasonable timeframe following the demolition of the rear of no. 32 Stodman Street.

Impact on the Conservation Area

Overall the CO concludes that the proposal will see a marked change to the character and appearance of the Conservation Area. This will be felt not just in St Mark's shopping centre, but also beyond on Stodman Street, limited areas of Middle Gate and on Lombard Street. The best elements of the site will be retained, being the Art Deco façade, and this will be transitioned into a new offer which removes the harmful elements of the current site. While the scale of the new build will be more impactful than the existing site, this has been carefully balanced by massing and articulation of the building to offer a building that more resonates with the traditional proportions and orientation of structures in the town centre. The use of attractive and complementary architectural detail and materials provides interest and relief where the current site is lacking, especially so on the rear service yard. The scheme should also boost use and activity in the Lane. By reinstating the more traditional line of the Lane the area should not only become more user friendly but will better reveal the traditional and attractive historic grain of the Town.

The proposal will both preserve and enhance the character and appearance of the Conservation Area and the CO concludes overall that, accounting for all impacts and the current contribution made by the Site, the proposed development will bring about a net enhancement to the character and appearance of the conservation area.

Impact on the setting of Listed Buildings

The Archaeological Assessment identified heritage assets potentially affected by the scheme and the HIA has made a thorough assessment of the significance of the listed buildings, an analysis of their setting, the contribution of setting and the impact of the proposal on their setting, and thereby significance. I do not repeat these findings but note that the CO considers these to be a sound assessment of impact.

The CO concludes that overall the proposal will either preserve or enhance the setting, and thereby significance, of the nearby listed buildings. As discussed in the above analysis, the proposed scheme may be visually more impactful in the setting of some listed building, especially for the two nearby listed churches, but by the use of a more contextual approach to massing, form, materials and details than the current site it means this should not be a harmful change to their setting. The recent revisions have ensured the rear elevation now has the positive elements of the front elevation, which was a particular concern for the two churches. From a slightly wider perspective the scheme should comfortably become part of the townscape of Newark, being of a suitable scale and mass and with attractive details such that it will make its own contribution to townscape.

Re-establishing the route of St Mark's Lane will reconnect Lombard House, visually and in terms of historic urban grain, to the town centre core. This will enhance the setting of the building, making views of its front façade more prominent and re-establishing the historic grain and historic context that the building is best appreciated in. This will improve the setting, and significance of this listed building.

Heritage Conclusion

The CO concludes that the extent of demolition now proposed seems justified and balances a small loss of historic fabric with other tangible heritage gains. Extensive analysis of the proposed new development has been undertaken by the CO, the conclusions of which I concur with. The overall height of the proposed new build has been well considered against extensive analysis and revisions and would be in keeping with the context.

The height has been designed to transition well from the more modest proportions of the Art Deco façade. The massing of the building is broken by a stepped roof line and a well articulated façade which reads as a terrace of two and three bay structures. The design uses a muted and traditional colour and material palette that ties in with the town centre generally, as well as the feature of the Art Deco façade. The scheme provides contextual texture and architectural features throughout, especially welcome in the more neglected service areas. Using a contemporary design, the scheme incorporates the familiar qualities of domestic town houses and shopfront design, and specifically addresses the transition from the Art Deco façade to the new build.

The CO notes that the scheme creates a potentially more impactful, but more responsive and more attractive scheme than the current site, preserving and enhancing the character and appearance of the Conservation Area and the setting, and thereby significance, of nearby Listed Buildings.

While a traditional active frontage in the form of individual shopfronts cannot necessarily be secured by this scheme, the proposal is likely to increase activity, use, footfall and surveillance of the Lane, along with a more animated ground floor appearance, all of which improve upon the current position. Overall, it is likely that the proposal will increase footfall in and out of the building, increase surveillance up and down and looking into the Lane, give views of borrowed

activity from the main roads, increase the use of the public realm area and increase the architectural relief at ground floor. These would all be tangible improvements over the current situation and ways in which an active frontage can be delivered. Furthermore, the applicant has taken on board comments relating to the planter proposed along St Marks lane and has incorporated areas for seating within this to further encourage activity within this area, the precise details of this area can be controlled by condition.

Furthermore, the CO concludes that the re-alignment of the building line more in keeping with the traditional form of St Mark's Lane will make for a more attractive environment here but also delivers a tangible benefit to the historic grain of the town, which benefits the wider CA as well as the setting of the nearby Listed Buildings. The scheme also secures the long-term conservation of the significant elements of a positive building within the CA, which can also be seen as a NDHA in its own right.

The positive conclusion of the CO is noted and with the suggested conditions, it is considered that the proposal would cause no harm to the character and appearance of the Conservation Area or the setting of nearby Listed assets. Furthermore the scheme would present an opportunity to significantly enhance the public realm and street scene and improve the standards of design in the area. Whilst there would be a minor level of harm (at the lower end of the less than substantial harm scale) as a result of some of the demolition works/loss of historic fabric proposed to 32 Stodman Street (a NDHA), balanced against this harm would be tangible heritage benefits as outlined in detail above. As such it is considered in this case that the low level of less than substantial harm to the NDHA would be outweighed by the benefits of the scheme as a whole. Overall, I am therefore satisfied that the scheme would comply with the objective of preservation set out under Sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage and design policies and advice contained within the Council's LDF DPDs and the NPPF.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

In terms of any overbearing and overshadowing impacts, there are no other residential units surrounding the site and thus no existing amenity impacts to consider. Equally, due to no other residential units and the location of windows and heights of adjoining buildings, the amenity of future occupiers would be protected in terms of overlooking and overbearing impacts. Private amenity spaces are proposed for most of the apartments, and there is a shared amenity space for residents proposed on the third floor, above the Stodman Street façade. Whilst overlooking St Marks Place, the private balconies are set back from St Marks Lane which would afford some degree of privacy. Nevertheless, in town centre locations it is generally accepted that residential units have limited private amenity spaces, however in this case there would be adequate amenity spaces provided within the building with access to larger communal green spaces throughout the town.

In terms of future occupants of this building, internally the *'Technical housing standards – nationally described space standard'* (March 2015) are an important consideration - all units meet the GIA's relevant for the size of the units proposed and are served by adequate sources of natural

light. Officers are also mindful that future occupiers would be aware of the town centre location of these units prior to occupation and as such must acknowledge the impacts that would have on their amenity in terms of potential for late night noise and disturbance that is likely to affect their amenity to some degree. Whilst the area immediately surrounding the development is currently dominated by daytime business uses the ground floor is proposed for Class E use which incorporates the:

- *E(a) Display or retail sale of goods, other than hot food*
- *E(b) Sale of food and drink for consumption (mostly) on the premises*
- *E(c) Provision of:*
 - *E(c)(i) Financial services,*
 - *E(c)(ii) Professional services (other than health or medical services), or*
 - *E(c)(iii) Other appropriate services in a commercial, business or service locality*
- *E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)*
- *E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)*
- *E(f) Crèche, day nursery or day centre (not including a residential use)*
- *E(g) Uses which can be carried out in a residential area without detriment to its amenity:*
 - *E(g)(i) Offices to carry out any operational or administrative functions,*
 - *E(g)(ii) Research and development of products or processes*
 - *E(g)(iii) Industrial processes*

It is worth noting that residential uses within town centre locations can help contribute to its vitality and viability outside of these daytime hours, however it is important that future occupiers would have acceptable living conditions in this environment. A noise survey has been submitted with this application which concludes that a sound insulation scheme should be installed to protect the amenity of future occupiers. The EHO has reviewed the noise assessment and has raised no objection subject to a condition requiring the implementation of the Sound Insulation Scheme detailed at Sections 7 and 8 of the report (including the installation of acoustic glazing, acoustically treated ventilation and internal sound proofing) which is considered to be reasonable.

The EHO has however raised concerns about the additional noise that could be associated with use E(d) Indoor sport, recreation or fitness below residential units, which they consider has not been fully appraised within the noise assessment (given gym classes can use amplified music and sound into the later evenings and early mornings) – they have however suggested that a suitably worded condition could be attached to require provision of an updated Noise Survey (including tap testing and implementation of any additional sound proofing as recommended) prior to the ground floor units operating under use E(d) which is considered to be reasonable in this case to ensure the amenity of future residents is adequately protected.

An external lighting report has also been provided which explains that the proposal is to illuminate the external walkway alongside the realigned St Marks Lane. Decorative lighting would be provided within the building facades which face the main walkway and indicate the buildings main entrances. Luminaire types has been selected to provide virtually no upward light output after trading hours to reduce obtrusive light with feature up lighting being restricted to trading hours only. The Environmental Health Officer has raised no objection to the external lighting scheme proposed.

It is noted that the demolition of the building also has the potential to give rise to disturbance to neighbouring occupiers and land uses – a structural inspection and demolition report has been submitted to accompany this application which explains the structural integrity of the building and any integration with adjacent buildings and includes a demolition plan. The EHO has recommended that conditions be imposed to ensure a full demolition method statement is submitted in addition to a construction method statement in order to ensure demolition and construction are carried out to protect the amenity of neighbouring land uses.

Overall, it is therefore considered that this proposal would result in an appropriate level of amenity for future and existing occupiers in accordance with Policy DM5 of the DPD.

Impact upon the Highway

Spatial Policy 7 of the Core Strategy 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 based on the scale and specific location of the development. The Council has also recently adopted a Residential Cycle and Car Parking Standards and Design Guide SPD (2021).

The proposed development would provide 12 car parking spaces, a single motorbike parking spot and 48 cycle spaces to serve 29 apartments (16 no. 1 bed units and 13 no. 2 bed units). The Parking Standards SPD sets a minimum of 1 cycle space per 1 bed unit and 2 spaces per 2 bed unit across all tenures in the district. The scheme advanced would exceed the requisite number of cycle spaces.

For car parking, the SPD states that within Newark Town Centre, given there are a good range of parking facilities and public transport links the Council would not normally expect residential car parking spaces to be provided as part of proposals in Town Centres. However, following a Market review the scheme has been advanced with some on site car parking spaces. Whilst there would not be a 1:1 provision of spaces this is not considered to be fatal to the scheme given the sustainable location. Future occupiers would also be aware of the limited parking availability on site prior to occupation.

The parking spaces provided would be leased to users of the residential development and would not be available to users of the potential office/co-working areas. In a town centre location this is acceptable in principle and it is noted that the Highways Authority (HA) have raised no objection to the parking scheme put forward.

Reviewing the application the HA raised some initial queries, principally relating to land ownership to the rear of 34 Stodman Street for access purposes, the impact of servicing requirements from the highway for all premises that currently utilise the service yard (Howitts Yard) to the 'rear' side of the building (off Lombard Street), visibility splays existing from the servicing yard and pedestrian prioritisation/access. In response the applicant provided a Transport Technical Note and following constructive negotiations submitted a suite of Highways/Access plans for the Lombard Street/Howitts Yard access and parking arrangements.

The HA have reviewed these amended plans and have advised that they raise no objection to the development subject to a number of conditions such as, securing Traffic Regulation Orders on Howitts Yard for off-site traffic management works, provision of a pedestrian footway and lighting along Howitts Yard as a secondary pedestrian route, installation of Keep Clear markings on Lombard St opposite Howitts Yard to facilitate better access and turning off Lombard St/Howitts Lane, hard bound surfacing of the site access, provision of visibility splays, parking, turning and

servicing areas, car and cycle parking spaces, provision of surface water drainage to the access/parking areas etc. All conditions are considered to be necessary to make this development acceptable in highways safety terms and would ensure the development does not adversely impact the safety of the highway network.

The application is also accompanied by a Travel Plan – this document provides a framework that encourages sustainable travel and intends to limit single occupancy vehicle usage through a series of measures to be implemented. This approach is in accordance with the NPPF in encouraging sustainable travel at all new developments. Section 5 of the Travel Plan explains the measures proposed to encourage the use of sustainable transport methods and Section 6 sets out the Action Plan which explains the actions that need to be undertaken prior to and upon occupation so that the promotion of sustainable transport is ingrained in the proposed development from the outset, enabling future occupants to make sustainable travel choices. The HA have not commented on the Travel Plan as they have stated that one was not considered necessary for this scale of development. Nevertheless, Officers consider the details contained within the Travel Plan would assist in promoting sustainable transport and travel in accordance with the aims of SP7, DM5 and the NPPF and therefore consider it reasonable to condition the implementation of the recommendations of the travel plan statement.

In respect of Public Rights of Way (RoW) - the RoW team have reviewed the proposal and advised that they raise no objection to the proposal subject to an informative note regarding construction in proximity to public rights of way.

Overall, given the positive conclusions of the Highway Authority and the Rights of Way team and the highly sustainable location of the site within to the town centre, it is considered that there would be no detrimental impact on highway safety as a result of this proposal and that the development would promote sustainable methods of transport in accordance with the NPPF. As such, the development would accord with the aims of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

Given the scheme proposes the demolition of a large building a Preliminary Ecology assessment has been submitted to accompany the application comprising a preliminary bat roost and bird nesting assessment. No evidence of bats was recorded internally or externally during the survey. The Site is not located in an area of optimal bat foraging and is poorly connected to the nearest areas of habitat. The surrounding premises and streets are also well-lit artificially. Overall the Site is considered to have negligible bat roosting potential. Whilst a small number of potential bat roosting features were recorded during the survey; due to their location on the building, the lack of suitable surrounding foraging habitat and the urban nature of the Site, as well as the lack of evidence recorded, the likelihood of bats using these features was concluded to be very low, and roosting bats are considered highly unlikely to be using the Site. No further survey or mitigation measures have been proposed in respect of bats.

No evidence of nesting birds were recorded in association with the building and no birds were recorded during the survey. Some bird droppings were recorded inside the water tank structure located on the flat roof of the building but the survey concludes there was no evidence to suggest

that birds were nesting in this location. The survey recommends that in order to avoid any potential impact on nesting birds, demolition work should be undertaken between September and February. If this work has to be undertaken during the bird breeding season, then it is recommended that a survey for active bird nests is undertaken by a suitably experienced ecologist before the work commences. If any active nests are identified then work would need to be delayed in the affected area until the young birds have fledged. It is considered reasonable to attach these recommendations by condition in this case. Therefore, subject to conditions it is considered that the proposal is compliant with Core Policy 12 and Policy DM7 in this regard.

Developer Contributions and Viability

Spatial Policy 6 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. They states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Affordable Housing and Vacant Building Credit

Core Policy 1 provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council’s SPD on Developer Contributions.

Para. 64 of the NPPF also states *‘Provision of affordable housing should not be sought for residential developments that are not major developments...To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount’* (known as Vacant Building Credit/VBC). The relevant footnote then states *‘Equivalent to the existing gross floor space of the existing buildings. This does not apply to vacant buildings which have been abandoned.’*

However para. 65 of the NPPF also requires that on major developments for housing (developments of over 10 dwellings), at least 10% of the total number of homes should be available for affordable home ownership. The application does not form any of the exceptions to this requirement and therefore, even if applying the VBC proportionately reduces the AH requirement for this site, there would remain a minimum expectation of a 10% affordable housing contribution in accordance with the NPPF.

Comments have been provided by NSDC’s Strategic Housing Officer which state that for the proposed development, 8 units would be sought for affordable housing (to meet the 30% requirement of CP1). When considering application of VBC the Affordable Housing requirement is calculated as follows:

<p>Affordable Housing Requirement with VBC = $\frac{\text{Difference between proposed and existing GIA floorspace}}{\text{Proposed GIA floorspace}} \times \text{Policy Requirement}$</p>

In this case the key inputs are:

Existing GIA: 3192sqm

Proposed Residential GIA: 2477sqm

Affordable Housing Requirement: 30%

Given the existing GIA is in excess of the proposed Residential GIA there would be no requirement for affordable housing when applying the VBC. Notwithstanding this however, the NPPF still requires a minimum of 10% affordable housing be provided on major developments unless the scheme meets one of the exceptions (which this scheme does not) – on this basis, and given the VBC applicable, only the minimum of 10% is required in this instance which equates to **2 units**.

Comments from the Strategic Housing Officer (SHO) explain that taking into consideration the type of accommodation proposed, it is unlikely that a Registered Provider (Housing Association) would express an interest in managing these units. They have therefore advised that in this case a commuted sum payment in lieu of the above requirements would be acceptable. The SHO has calculated the commuted sum required to be as follows:

	Affordable Rent	Shared Ownership
1 Bed	1 unit @ £80,000 40% of Open Market Value = £32,000 Commuted Sum/Unit = £48,000	
2 Bed		1 unit @ £100,000 70% of Open Market Value = £70,000 Commuted Sum/Unit = £30,000 Total = £30,000
TOTAL	£78,000	

Given the NPPF and policy requirements for the provision of affordable housing it is considered that this request is fairly and reasonably related in scale and kind to the proposed development and is necessary to make the development acceptable in planning terms.

Community Facilities

The SPD outlines that for a development of this size, a contribution towards community facilities would be expected. Community Facilities can include numerous types of development including village halls; areas for sport and activity; buildings for worship or buildings for leisure and cultural activity. The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. A development of 29 dwellings would therefore equate to a contribution of £40,138.03 plus indexation.

Based on the existing facilities in the vicinity no case has been advanced as to how a contribution based on the SPD calculation would be spent. Officers are mindful that planning obligations should only be sought where they are fairly and reasonably related in scale and kind to the proposed development and are necessary to make the development acceptable in planning terms. Given no case has been advanced to explain the current capacity of local community facilities or how this sum would be allocated it is not considered that it has been demonstrated that this contributions would be necessary to make the development acceptable in planning terms.

Open Space

The SPD outlines that a development of this size would need to make provision for public open space in the form of both natural and semi-natural green space and provision for children and young people. Given the town centre nature of the proposal and based on the layout proposed neither requirement would be fulfilled by any on-site provision.

Based on the SPD formula the off-site contribution would be as follows:

- For natural and semi-natural green space a contribution of £2,977.14 would be sought plus indexation (based on a £102.66 contribution per dwelling) with £2,977.14 maintenance cost (plus indexation).
- For provision for children and young people a contribution of £12,054.38 would be sought plus indexation (based on £927.26 per 2 bed unit) with £13,406.90 maintenance cost (plus indexation).

The NSDC Open Space Officer has commented that given the split of 1 and 2 bed apartments there should be a request for play provision and equipment for '*small children*'. The Officer has indicated that in this case the obvious site for provision/improvement would be the St Mary Magdalene Church Gardens, which is located close to the application site. This is also identified in the councils Open Space Assessment and Strategy (2021) as currently being of low quality and value.

However, Officers are mindful that an Open Space contribution for the provision for children and young people is usually only applied to schemes with units of 2+ beds given these are more likely to be occupied by those with children and note that in the contribution request reference is made to provision for '*small children*'. In this case there would be 13 no. 2 beds out of the overall 29 units. However, given this scheme proposes residential units for relatively high density within a town centre environment it is considered unlikely that these units would attract families in any event. Officers are therefore of the view that an Open Space contribution for provision for children and young people would not be fairly and reasonably related in scale and kind to the proposed development and necessary to make this particular development acceptable in planning terms.

It is however noted that the Open Space Assessment and Strategy does identify a number of open spaces within Newark town centre (including amenity spaces) which are of poor quality and value in close proximity to the application site. It is also important that future occupiers have access to good quality green spaces to support their health and wellbeing. Given any future occupier would be reliant upon these existing open spaces for recreational enjoyment and that some of them in the immediate vicinity are scored at poor quality and value it is considered reasonable that a contribution is sought towards natural and semi-natural green space and its maintenance in this case given the additional pressure on these existing spaces that would result from the development.

Health

The Clinical Commissioning Group at the NHS have commented that they would request a contribution of £28,478 to invest in enhancing capacity/infrastructure within local practices (such as Lombard Medical Centre, Barnby Gate Surgery and Fountain Medical Centre). All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will

include either reconfiguration or extension of existing premises or a new build that this financial contribution would contribute towards. It is considered that this request is fairly and reasonably related in scale and kind to the proposed development and is necessary to make the development acceptable in planning terms.

Education

The Developer Contributions and Planning Obligations SPD indicates that development of 10 or more dwellings which generate a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required. Nottinghamshire County Council have been consulted on this application but they have not provided any comments. There has therefore been no information provided to explain whether a primary school contribution could be justified as being necessary to make this development acceptable in planning terms.

However, Officers consider that even if a justification was provided (based on lack of school capacity), only units of 2 or more bedrooms could be subject to this requirement (similarly to open space for provision for children and young people) which is affirmed by the County Council's own recently published Developer Contributions guidance. Furthermore, in any event given that this scheme is for high density town centre apartments it is unlikely that these would attract families resulting in additional pressure on primary school capacity. On this basis, no education contribution is considered to be justified in this case to make the development acceptable in planning terms.

Transport and Travel

The Developer Contributions Team at the County Council have been consulted on this application but they have not provided any comments requesting or justifying a financial contribution towards transport and travel. On this basis, no contribution is considered to be justified to make the development acceptable in planning terms.

CIL

Apartments are zero rated across the district for CIL purposes and thus there is no CIL charge applicable to the residential element of this development. There is a districtwide charge on Retail uses (formerly use classes A1-A5) at £100/m². The development would result in 753sqm commercial floor space which could be used for retail purposes under use Class E. The CIL charge on the development is therefore £76,451.38, however the existing floor space can be deducted from the proposed floor space given the floor space that would be lost to demolition has been in lawful use for a continuous period of 6 months within the past three years, therefore there would be no CIL charge on the proposed development.

Overall Summary of Contributions

A summary of the abovementioned developer contributions is set out in the table below. This summary is based on the Officer judgement as to the most appropriate contributions to secure in the context of this application:

	Total Financial Contribution (plus indexation)
Affordable Housing	£78,000
Open Space (natural and semi-natural green space)	£2,977.14
Maintenance Open Space (natural and semi-natural green space)	£2,977.14
Healthcare	£28,478.00
TOTAL	£112,432.28

A viability assessment has been undertaken and submitted as part of this application to assess the viability of the proposed development as a policy compliant scheme and to explore the viability of other scheme options from a heritage/design perspective. This assessment demonstrates that the proposed development is not viable and would result in a shortfall of approximately £2.9million excluding any developer contributions. The outcome of this assessment is therefore that there is insufficient headroom to support any developer contributions as part of this redevelopment and that on this basis, a non-public sector developer would seek not to pay such contributions on the grounds of viability.

The LPA commissioned an independent assessment of this viability case to determine whether the assessment undertaken by the Applicant was robust, whether the scheme proposed is deliverable and whether standard policy based contributions are viable and, if not, the level of contributions that could be delivered whilst maintaining economic viability. The overall conclusion of the independent assessment is very similar to that submitted by the Applicant – that there is a significant development deficit of over £2.9million requiring public subsidy to proceed. This deficit does not include any allowance for the additional cost of Affordable Housing or other S106 contributions (which are therefore considered economically unviable). In the event the Applicant did provide a commuted sum towards Affordable Housing and the contributions as set out in the table above, the development deficit would clearly increase.

Whilst Officers do not challenge the viability conclusions, it is clear that the scheme would not be viable with a policy compliant level of contributions which calls into question the overall sustainability of a development that would not adequately contribute to meeting the needs of its future occupants. Officers are however mindful that given the benefits that would arise from this scheme a reduced level of contributions could nevertheless be acceptable in this instance. However, the Planning Statement submitted sets out that in the interests of sustainability and public interest, the District Council (as the Applicant) is agreeable to paying the Affordable Housing, Open Space and Healthcare contributions as set out and justified above as a responsible developer acting in the interest of the public. This would result in what Officers considered would be a policy compliant scheme in accordance with policies SP6 and DM3, these contributions would be secured through a S106 agreement.

Other Matters

Archaeology - The site lies in an area of high archaeological potential associated with the medieval and post-medieval development of Newark. The site lies within the medieval town, close to the

southern defensive wall, and our Archaeological consultant has advised that the site is likely to contain evidence for medieval and later occupation activity. Medieval archaeological remains have been recorded adjacent to the site on St Mark's Lane suggesting good preservation at a depth of at least 1.5m, sealed by later post-medieval layers.

The site has been subject to numerous phases of development, some which may have removed any archaeological remains present, however recent excavations in the town have demonstrated good survival of medieval remains where modern cellars and other deep disturbances are not present.

The application is accompanied by an archaeological impact assessment which concludes that further evaluation is recommended to determine the level of survival and truncation of archaeological deposits within the site. Our Archaeological Consultant advises they agree with this conclusion and recommend that trenched evaluation be undertaken to inform an appropriate mitigation strategy. The evaluation would need to be undertaken after demolition of the building to slab level, but prior to any further intrusive demolition or ground works. Subject to the conditions suggested by the Archaeological Consultant it is considered that the development would be acceptable in this regard.

Planning Balance and Conclusion

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that this application be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Overall it has been concluded that the principle of this development is acceptable in this town centre location. The redevelopment of this site would have a significant positive benefit through redeveloping a brownfield site for mixed use, including housing, which is supported both at a local and national level and will help to ensure the sustained viability and vitality of the District Centre. The scheme also supports the Government's agenda for supporting investments in town centres which is further emphasised with the Department for Levelling Up, Housing and Communities advancing grant funding towards the redevelopment of this site. Further, it is also anticipated that the redevelopment of this site could be a catalyst for other developments coming forwards within Newark Town Centre which would assist with achieving the objectives of the Town Investment Plan. The provision of 29 no. housing units in the town centre would also assist in contributing towards boosting the supply of housing in a way in which meets the most up to date housing need for the area. These economic and social benefits accord with the aims of both local and national planning policies and therefore attract substantial positive weight.

In urban design terms, the redevelopment scheme would improve the permeability and legibility of the area, incorporates improvements to the public realm and presents an opportunity for the creation of a feature building with local interest and distinctiveness in the town centre. The use of high quality materials and design standards for the building and public realm would help achieve a step change in perception for the area and encourage more active use. Overall the redevelopment approach accords with the principles set out within the National Design Guide and local and national policies relating to good design and would assist in improving the overall character of the area. Accordingly I attach moderate to significant positive weight to this benefit.

In respect of heritage impact, special regard is to be given to the desirability of preserving the setting of Newark Conservation Area and the listed buildings within it and great weight is to be given to these assets' conservation commensurate with their importance. The effect of a development on the significance of a NDHA is also important and requires a balanced judgement,

having regard to the scale of any harm or loss and the significance of the heritage asset. Notwithstanding comments from other consultees, the positive conclusion of the Council's CO is noted and with the suggested conditions, it is considered that the proposal would cause no harm to the character and appearance of the Conservation Area or the setting of nearby Listed assets.

In heritage terms, the scheme would present an opportunity to significantly enhance the public realm and street scene and improve the standards of design in the area. Whilst there would be a minor level of harm (at the lower end of the less than substantial harm scale) as a result of some of the demolition works/loss of historic fabric proposed to 32 Stodman Street (a NDHA) which attracts negative weight, balanced against this harm would be a number of tangible heritage benefits (as outlined in the heritage appraisal above) which attract positive weight. In this case it is considered that the low level of less than substantial harm to the NDHA would be outweighed by the benefits of the scheme as a whole (to no. 32 itself as well as to the Newark Conservation Area and the setting of nearby Listed Buildings). Overall, it is therefore considered that the scheme would comply with the objective of preservation set out under Sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage and design policies and advice contained within the Council's LDF DPDs and the NPPF. The heritage benefits of the scheme overall attract significant positive weight.

Subject to conditions the application has also been found to be acceptable concerning impact on residential amenity for existing and future occupiers or land uses, the safety of the public highway, archaeological impact and would not result in any adverse impact on ecology. Neutral weight attaches to these aspects given planning decisions should not adversely impact either of these considerations. Furthermore, notwithstanding the viability case advanced, the scheme would secure financial contributions towards affordable housing, healthcare and open space provision in accordance with the aims and objectives of SP6 and DM3.

Overall the scheme would deliver a number of public benefits and no conflicts have been identified with the policies and guidance contained within the Council's Development Plan. Taking all matters into account and having regard to the three dimensions of sustainable development – economic, social and environmental roles, the proposal is considered to represent a sustainable form of development. Further, the proposal is considered to be in accordance with the objective of preservation set out under Sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the guidance contained within the NPPF, which is a material consideration. I therefore recommend, on balance, that planning permission is approved subject to the conditions detailed below and the signing of a Section 106 legal agreement to secure the contributions also detailed below.

RECOMMENDATION

That following the close of the consultation period, full planning permission is approved subject to the following conditions and reasons 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 plan references:

- Site Location Plan – Ref. 101-137 (P) 020 A (deposited 28.01.22)
- Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.22)
- Proposed 1st and 2nd Floors – Ref. 101-137 (P) 002 K (deposited 30.11.21)
- Proposed 3rd Floor – Ref. 101-137 (P) 003 K (deposited 30.11.21)
- Proposed Roof Plan – Ref. 101-137 (P) 016 C (deposited 30.11.21)
- Short Sections – Ref. 101-137 (P) 017 B (deposited 30.11.21)
- Elevations – Ref. 101-137 (P) 018 I (deposited 28.01.22)
- Demolition Plan – Ref. 101-137 (P) 027 A (deposited 11.10.21)
- Bay Studies – Ref. 101-137 (P) 028 B (deposited 30.11.21)
- Proposed General Arrangement – Ref. T-HSP-00-00-DR--C-950 (deposited 26.01.22)
- Proposed General Arrangement with annotations – Ref. ST-HSP-00-00-DR--C-951 (deposited 26.01.22)
- Proposed Visibility Splays – Ref. ST-HSP-00-00-DR--C-952 (deposited 26.01.22)
- Car Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-953 (deposited 26.01.22)
- Delivery Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-954 (deposited 26.01.22)

Reason: So as to define this permission.

03

No development shall commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the land subject of this consent has been entered into and completed by all parties with an interest in the land and has been lodged with and executed by the Council. The said obligation is to provide the following:

	Total Financial Contribution based on 29 units
Affordable Housing	£78,000 + indexation
Open Space & Maintenance (natural and semi-natural green space)	£5,954.28 + indexation
Healthcare	£28,478.00 + indexation
TOTAL	£112,432.28 + indexation

Reason: In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development

04

Prior to the commencement of any development (including demolition) a timeline for the phasing of the development (including the demolition, façade retention and conservation, construction

works and shopfront enhancement scheme) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved timeline.

Reason: To ensure the heritage benefits secured by the redevelopment of the site are delivered in a timely manner following the demolition works in accordance with the NPPF.

05

Prior to any development above slab level details and samples including external finish of the materials identified below shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing materials
- Bricks
- Stone
- Roofing materials
- Green Roof Specifications
- Cladding
- Lime/White Wash
- All metal work including balustrades

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

06

No development shall be commenced in respect of the features identified below, including the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- External windows, doors and their immediate surroundings, including details of glazing and glazing bars;
- Window and Door Headers and Cills;
- Material finish of all external windows and doors;
- Verges and eaves;
- Rainwater goods;
- Coping;
- Extractor vents;
- Flues;
- Meter boxes;
- Airbricks;
- Solar Panels (including size, type, positioning and inclination);
- Soil and vent pipes.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

Prior to any development above slab level full detailed elevation plans showing precise details of any brickwork and/or decorative features (as shown on the approved plans and visuals) and areas

of mortar distinction (as detailed within the Design and Access Statement) or decorative metalwork shall be submitted to and agreed in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

08

Prior to any development above slab level brick sample panels showing the brick bond, mortar specification, pointing technique, lime/white wash specification, and any architectural decoration (as shown on the plans required by condition 06) shall be provided on site for inspection and subsequently agreed through written approval by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

09

Prior to any demolition and repairs or works to the retained Art Deco Façade (on Stodman Street and the return also being retained onto St Mark's Lane) a full specification and methodology for undertaking any structural support or repair works (informed by an up to date structural survey) to the retained façade shall be submitted to and approved in writing by the local planning authority. This shall include a full schedule of works which addresses the façade retention and conservation, any repair or structural works required and a timeline for implementation of the works before key milestones in the development. Development shall thereafter be carried out, prior to occupation or use of any part of the development, in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

10

Prior to the use of the ground floor commercial units hereby approved, a scheme for the improvement of the shop front within the Art Deco Façade on Stodman Street shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

11

Notwithstanding the annotations on the approved plans indicating indicative areas of signage, prior to the installation of any signage on the building full details of the signage (including but not limited to: size, design, materials, illumination and positioning) shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

12

Prior to the first occupation of the development hereby permitted, full details of hard and soft landscaping to the 'Shared Amenity Terrace' as annotated on plan Proposed 3rd Floor – Ref. 101-137 (P) 003 K (deposited 30.11.21) shall be submitted to and approved in writing by the local planning authority. These works shall be carried out as approved and the terrace shall be made available for use prior to first occupation and retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

13

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- green roof specifications;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, raised planters/seating, signs, lighting etc.

Reason: In the interests of visual amenity and biodiversity and to ensure that the development takes the form envisaged through the application submission.

14

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

15

Prior to any development above slab level a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows the interim treatment of the site prior to the redevelopment taking place. This shall include full details of any boundary treatments (height, design, location) and/or treatments of the ground area to include full details of the hard/soft

landscaping. The scheme should also include timescales for the redevelopment of the site. Once approved the scheme shall be implemented on site as agreed.

Reason: In recognition of the site's location within the designated conservation area.

16

The bin and cycle storage facilities as shown on plan Proposed Ground Floor – Ref. 101-137 (P) 001 O (deposited 30.11.21) shall be provided prior to the first occupation of the development hereby permitted in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate secure cycle and bin storage is provided for occupiers in the interests of residential and visual amenity.

17

Prior to any landscape work being undertaken (including the installation of any planting within the building design, public realm, green roofs or shared amenity spaces) a landscape management plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

18

The use of the ground floor units hereby permitted shall only take place during the following hours:-

07:30h to 23:00h Monday - Friday

08:30h to 23:00h Saturdays

10:00h to 22:00h Sundays

Reason: In the interests of residential amenity.

19

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.22) shall only be used for uses falling within Use Class E of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or in any provision equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: In the interests of residential amenity.

20

Prior to first occupation details of any external lighting to be used in the development shall be 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 and light pollution. 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 and residential amenity.

21

Archaeological Conditions:

Part 1

No development shall take place other than in accordance with an archaeological Mitigation Strategy for the protection of archaeological remains in sensitive areas, submitted to and approved by the Local Planning Authority prior to the start of development. Where development will result in an archaeological impact to one of the identified areas of archaeological interest, a Written Scheme of Archaeological Investigation must be submitted to and approved by the Local Planning Authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording;
3. Provision for site analysis;
4. Provision for publication and dissemination of analysis and records;
5. Provision for archive deposition; and
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Mitigation Strategy and Written Schemes of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

22

Save for any demolition works, the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

23

No development shall be commenced, including any works of demolition or site clearance, until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statements shall be adhered to throughout the demolition and construction periods. The Statements shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in the demolition and construction of the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during demolition and construction;
- vii. hours of operation;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix. Details of measures to prevent the deposit of debris upon the adjacent public highway.

Reason: In the interests of residential amenity.

24

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.22) shall not be brought into use until the recommended acoustic mitigation and ventilation works embedded within Sections 7 & 8 of the Noise Impact Assessment Report (Ref. P4466-R1-V4, dated 04.10.2021, Version 4) undertaken by Noise Air are implemented in full. These measures shall also be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

25

Prior to the commencement of any E(d) Use (indoor sport, recreation or fitness) of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) at ground floor, an updated Noise Assessment report must be provided which includes a detailed assessment of the impact of this use (including tap testing) and any acoustic mitigation works required. Any mitigation measures recommended shall be implemented in full prior to the commencement of any E(d) Use and shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity as the submitted noise assessment does not adequately consider the potential noise disturbance to residents associated with Use Class E(d).

26

The Travel Plan for the development shall be implemented in accordance with the Travel Plan Measures and Action Plan detailed in Sections 5 & 6 of the Travel Plan Statement (Ref. C3441, Rev A, dated Oct 2021) produced by HSP Consulting.

Reason: To promote sustainable travel.

27

No demolition shall be commenced until details of a programme of historic building recording of the cellars have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the building.

28

No development shall commence until the off-site traffic management works comprising of changes to current Traffic Regulation Order on Howitts Yard (to provide a servicing bay) are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority to the Highway Authority's specification.

Reason: To ensure a safe area within the highway is provided for loading and unloading of vehicles and in the interest of highway safety.

29

No part of the development shall be occupied on any part of the application site unless or until the new pedestrian footway and street lighting have been provided along Howitts Yard as shown for indicative purposes only on the approved plan ref. HSP-00-00-DR--C-951. All highway works shall be carried out to Highway Authority's specification and to the satisfaction of the Local Planning Authority.

Reason: In the interest of pedestrian safety.

30

No part of the development shall be occupied on any part of the application site unless or until the KEEP CLEAR road marking has been provided Lombard Street opposite the access to Howitts Yard with details first submitted to and approved in writing by the Local Planning Authority to the Highway Authority's specification.

Reason: In the interest of pedestrian safety.

31

No part of the development hereby permitted shall be brought into use until the access to the site and off-street parking areas have been completed and surfaced in a bound material (not loose gravel) for a minimum distance of 8.0m behind the highway boundary in accordance with approved plan reference STHSP-00-00-DR--C-951.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

32

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. ST-HSP-00-00-DR--C-952 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, or erections.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

33

No part of the development hereby permitted shall be brought into use until the parking, turning, and servicing areas are provided in accordance with the approved plan ref. ST-HSP-00-00-DR--C-951. The parking, turning, and servicing areas shall not be used for any purpose other than parking, turning, and loading and unloading of vehicles.

Reason: In the interest of highway safety and to enable service vehicles to safely load and unload without obstructing the highway.

34

No part of the development hereby permitted shall be brought into use until the access driveway, parking and turning areas are constructed with provision to prevent the discharge of surface water from the driveway, parking, and turning areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

35

No part of the development hereby permitted shall be brought into use until the cycle parking and storage area has been provided and that area shall not thereafter be used for any purpose other than the parking and storage of cycles.

Reason: To ensure that adequate cycle parking provision is made to promote sustainable modes of transport.

36

The new doors on the street frontage shall open inwards only. The approved doors shall then be retained for the life of the development.

Reason: In the interest of pedestrian safety.

Notes to Applicant

01

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.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Note from CADENT Gas:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting www.cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

04

Notes from LCC Archaeology:

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email Matthew.Adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

05

Notes from Rights of Way:

Newark Public Footpath No. 63 and 64 (St. Marks Lane) are adjacent to and cross the area marked in red on the Proposed Ground Floor Plan.

During the demolition and construction phase the safety of path users should be observed at all times. A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the Right of Way may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section countryside.access@nottscc.gov.uk

The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

06

Notes from Severn Trent Water:

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations for any advertisements requiring express consent that you may wish to display on these premises.

08

Ecology Notes:

In order to avoid any potential impact on nesting birds, it is recommended that the demolition work is undertaken between September and February. If this work has to be undertaken during the bird breeding season, then it is recommended that that a survey for active bird nests is undertaken by a suitably experienced ecologist before the work commences. If any active nests are identified then work will need to be delayed in the affected area until the young birds have fledged.

09

Highways Notes

Building Works shall not project over the highway: No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

Traffic Regulation Orders (TRO): The proposed off-site highway works referred to in condition 28 requires a Traffic Regulation Order before the development commences to provide safe access and offsite mitigating works. The developer should note that the Order can be made on behalf of

the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact businessdevelopment@viaem.co.uk

Section 38 Agreement (Highways Act 1980): The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to hdc.north@nottsc.gov.uk or ring NCC's Customer Services on 0300 500 8080 and request Development Control Team for Newark & Sherwood district.

Section 278 Agreement (Highways Act 1980): In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

Correspondence with the Highway Authority should be addressed to hdc.north@nottsc.gov.uk or ring NCC's Customer Services on 0300 500 8080 and request Development Control Team for Newark & Sherwood district.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/00699/FULM

