

PLANNING COMMITTEE – 24 JULY 2018

Application No:	18/00125/FULM (MAJOR)	
Proposal:	Proposed conversion of Hatton House (formerly Newark Working Men’s Club) Beacon Hill Road Newark, to form 8 apartments. Remainder of building to be demolished. To include erection of 8 new cottages and associated access and landscaping works.	
Location:	Newark Working Men’s Club, 13 Beacon Hill Road, Newark On Trent	
Applicant:	Northgate Lettings	
Registered:	31 January 2018	Target Date: 01 May 2018

UPDATE

Following the last meeting comments from NCC transportation team were received on the 10th July 2018. NCC was actually consulted in January 2018 and this represents their first comments. Whilst I have very clearly expressed that this is unacceptable, unfortunately such comments do need to be considered in an overall planning balance given that the planning permission has not yet been issued pending completion of the S106.

NCC transportation comments:

“General Observations

The planning application covers an area of land situated to the North of Beacon Hill Road in the town of Newark; this application seeks permission for the development of 16 residential dwellings.

The proposed access point appears to be from an improved entrance onto Beacon Hill Road, the nearest current bus stops are approximately 450 metres from the centre of the site on Sleaford Road.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network. This Site is within short walk of Newark Town centre. Stagecoach offer frequent commercial services to the town.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

Infrastructure

Current Infrastructure

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0126 Lindum Street – Bus Stop Pole, Raised Boarding Kerbs and Clearway Markings.

NS0716 Lindum Street – Bus Stop Pole, Raised Boarding Kerbs and Clearway Markings.

Transport & Travel Services would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £12,500. This will be used towards improvements to the above bus stops to promote sustainable travel.

Justification

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raise Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways."

Officer recommendation

Officers have already reported to Committee that in negotiating this scheme care has been taken to seek a level of development which is the minimum required to cross subsidise the conversion of the listed building. I do not consider that securing the contribution in this instance would change the officer recommendation, which was a finely balanced refusal (albeit I accept that the Planning Committee, as the LPA, have already resolved to support the scheme). In any event I do not consider the request in this instance to be reasonably justified relative to the CIL Regulations. It has not been demonstrated that the residential use of the site will place pressure on bus stops to such a degree that a contribution is required over and above the fall back and former use of the site. Indeed, the site itself is highly sustainable within the town centre. The key point for members is whether this new information changes your overall resolution to grant planning permission.

It should also be noted that NCC have also now confirmed they would not seek any contribution in terms of primary education as there is existing capacity to accommodate the pupil number that would arise from the development. This reduces the harm to be weighed in the planning balance.

The remainder of this report remains as published but has been updated to include late items that were before the Planning Committee previously. For completeness the conditions that officers have drafted in response to the resolution to approve are also included as an Appendix.

Due to the difficult balance that needs to be struck between heritage benefits and highway harm, this 'major' application has been referred to the Planning Committee by the Business Manager for Growth and Regeneration under his powers set out in the Scheme of Delegation.

The Site

The site lies on the northern side of Beacon Hill Road in Newark and contains a Grade II listed building that was formerly the Newark Workings Men's Club. The list description states:

"Formerly known as: Hatton House School BEACON HILL ROAD. House, now working mens' club. Mid C19, with mid and late C20 alterations. Stucco with hipped slate roof and 4 coped external gable stacks, each pair with a shaped gable between them. Chamfered quoins,

dentillated eaves. 2 storeys plus garrets; 3 window range. Projecting hipped central bay with central French window and fanlight, flanked by plain sashes and resembling a Venetian window. On either side, a tripartite plain sash. Tetrastyle Doric portico with dentillated cornice, covering a plastered doorcase with multiple keystones and 2-leaf fielded panelled door, flanked by single plain sashes. Single small sashes in each return angle. Beyond, single C20 French windows with sidelights. In each gable, a round headed margin light sash and above, a paired sash to the garrets. Interior altered late C20."

The building is set amongst hardstanding which was last used for car parking and can, according to the applicants accommodate c54 cars. The building is currently vacant and in a relatively poor state of repair.

Vehicular access to the site is located from Beacon Hill Road between No. 11 Beacon Hill Road and No. 1 The Close. The driveway is defined on either side by walls/fencing. There is an existing mono pitch garage (at the northern end of the drive) which appears to take its access from the driveway but which isn't the application site.

The application site also includes a small part of the garden of a property to the west which was erected under a permission granted in 1993 (FUL/93/0905) and is known as 26 Lindum Street. This part of the site until recently accommodated a single storey modern outbuilding which appears to have been demolished. This part of the site is bound by weathered fencing.

To the north of the site is the blank gable end of the two storey Victorian terraces of Lindum Street. No. 21 (the end terrace) takes its rear access via a passageway further along the row of the terraces albeit its garden bounds the site. Also to the north is the side elevation of Lindum Mews (a two storey mews terrace) which sits approximately 1 metre from the boundary (comprising relatively new timber fencing with laurel bushes planted in front of these). No. 1 Lindum Mews, (planning ref. 86/0217) which is the nearest dwelling, has a window at first floor level which appears to serve a bedroom.

To the south of the listed building are two storey modern dwellings known as numbers 1 to 7 The Close. These dwellings front the highway but vehicular access to these dwellings is between numbers 2 and 3 (which provides a view of the listed building from the roadside) and leads to its parking/garage court.

A Chapel of Rest/Funeral Directors has its buildings forming part of the eastern boundary with its single storey blank elevation facing the application site.

The site lies within the 'Newark Urban Area' as defined within the Allocations and Development Management DPD. The site also lies within an area that is prone to surface water run off according to the Environment Agency Maps.

Relevant Planning History

18/00126/LBC – Listed building consent is sought for the 'Proposed conversion of Hatton House (formerly Newark Working Men's Club) Beacon Hill Road Newark, to form 8 apartments. Remainder of building to be demolished. To include erection of 8 new cottages and associated access and landscaping works.' This application was submitted concurrently with this planning application and is pending consideration.

PREAPP/00199/17 – Pre-application advice was sought for the conversion of the existing listed building to residential use and its extension by way of the erection of a new apartment block and some new dwellings; totalling 17 dwellings. Advice was offered in November 2017.

The Proposal

Full planning permission is sought for the conversion (and change of use) of the former working men's club to 8 residential apartments and the erection of 8 new build dwellings within its grounds; totalling 16 dwellings. Car parking for 19 vehicles is now proposed on-site having been amended from 16 in an attempt to address highway concerns. A pedestrian access route is now also proposed via a passageway at the north-west corner of the site linking the site to Lindum Street to the north.

Plots 1 to 8

The existing listed building would be converted to form 8 x 2 bedroom apartments; with two on each storey.

Within the Basement, Unit 1 would have an open plan kitchen, diner and lounge which would gain natural light from a lightwell, a master bedroom with shower room and a second bedroom also gain light from a second lightwell. Also within the Basement Unit 2 has its dining/lounge area and separate kitchen arranged to benefit from a lightwell. The main bedroom also benefits from a further lightwell, whilst the second bedroom proposes a high level window in an existing opening to serve it. A separate shower room and toilet are also proposed.

At ground floor level Units 3 & 4 would have an open plan kitchen, diner and lounge, two double bedrooms (one with en-suite) and bathroom.

At first floor both Units 5 & 6 are accessed off grand central staircase and would have an open plan kitchen, diner and lounge, two double bedrooms (one with en-suite) and shower room.

At second floor Units 7 & 8 would be accessed off a secondary, rear staircase. Each would have an open plan kitchen, diner and lounge, two double bedrooms and a shower room.

Plots 9 to 13

A row of 5 two storey cottages is proposed to run parallel with the eastern boundary. These would each have a frontage width of c7.6m across with a narrow gable depth of 5.7m. These simple cottages would measure 4.79m to eaves and 7.37m to ridge height excluding the chimneys.

Each unit would have downstairs w.c and open plan kitchen, dining and living space and two bedrooms and a bathroom at first floor.

Plots 14 to 16

An L shaped mews type of arrangement would form 3 dwellings proposed to the north-western corner of the site.

Plot 16 is the corner plot which is two storey which is 7.37m to the ridge height, excluding chimney stack. This comprises a downstairs cloakroom and store, open plan kitchen diner, small

study and lounge within a single storey element. At first floor 3 bedrooms (1 double, 2 singles) and a bathroom are proposed.

Plot 15 is also two storey and to the same height. This has an open plan kitchen/diner, lounge and cloakroom as well as 3 bedrooms (2 doubles one with en-suite and 1 single) and a bathroom.

Plot 14 is a single storey dwelling with open plan living, two bedrooms and a bathroom. This has a ridge height of 5.18m (excluding chimney) and 2.47m to eaves.

The following plans and documents accompany the application. It should be noted that the layout plan has been amended to correct an annotated error (which referred to a non-existent Plot 17) and to revise the plans to address concerns:

- 17.3410 - Site Location Plan
- 17.3410.01 Existing Details Sheet 1 of 8 (Ground Floor Plan of existing building)
- 17.3410.02 Existing Details Sheet 2 of 8 (First Floor Plan of existing building)
- 17.3410.03 Existing Details Sheet 3 of 8 (Basement Floor Plan of existing building)
- 17.3410.04 Existing Details Sheet 4 of 8 (Section AA through existing building)
- 17.3410.05 Existing Details Sheet 5 of 8 (Section BB through existing building)
- 17.3410.06 Existing Details Sheet 6 of 8 (Section CC through existing building)
- 17.3410.07 Existing Details Sheet 7 of 8 (Existing Front & Side Elevations)
- 17.3410.08 Existing Details Sheet 8 of 8 (Existing Rear & Side Elevations)
- 17.3410.16D - Detailed Planning Sheet 1 of 8 (Proposed Block Plan, Site & Roof Plans) received 01/06/2018
- 17.3410.17B - Detailed Planning Sheet 2 of 8 (Proposed Elevations for Plots 1 to 8)
- 17.3410.18B - Detailed Planning Sheet 3 of 8 (Proposed Floor (Basement & Ground) Plans for Plots 1 to 8)
- 17.3410.19B - Detailed Planning Sheet 4 of 8 (Proposed Floor (First & Second) Plans for Plots 1 to 8)
- 17.3410.20 - Detailed Planning Sheet 5 of 8 (Elevations for Plots 9 to 13)
- 17.3410.21 - Detailed Planning Sheet 6 of 8 (Floor Plans for Plots 9 to 13)
- 17.3410.22A - Detailed Planning Sheet 7 of 8 (Elevations for Plots 14 to 16)
- 17.3410.23A - Detailed Planning Sheet 8 of 8 (Floor Plans for Plots 14 to 16)
- 17.3410.25 – 3D Visualisations Sheet 1 of 2
- 17.3410.25 – 3D Visualisations Sheet 2 of 2
- OTH/MSE/3698 – Topographical Survey
- Heritage Impact Assessment, Grover Lewis Association, January 2018
- Protected Species Survey by CBE Consulting, October 2017
- Flood Information, dated 17th November 2017
- Heads of Terms Statement
- Design & Access Statement
- **Highway Summary Statement (25/06/2018) Previously provided as Appendix A**
- **Trip Generation Statement (submitted 25/06/2018) Previously provided as Appendix B**

The applicant has also submitted 3 x Viability Appraisals upon request (focusing on (1) the developer contributions sought, (2) focusing on just the conversion of the listed building and (3) focusing on the new building element) during the lifetime of the application as well as information on the marketing of the club.

Departure/Public Advertisement Procedure

Twenty neighbours were individually notified and the application has been advertised in the local press and 3 site notices have also been displayed at the site and in the vicinity of the site. Re-consultation has been carried out in respect of amendments where appropriate.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of 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 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
NAP1 - Newark Urban Area

Allocations and Development Management DPD Adopted July 2013

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Developer Contributions and Planning Obligations
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework
Planning Practice Guidance 2014
Newark and Sherwood Developer Contributions SPD
Publication Amended Core Strategy

Consultations

Newark Town Council – Object:

28/06/2018: ‘It was decided to OBJECT to this application as Members could see no reason to change their original objection.’

31/05/2018 (comments made in respect of applicants Highway Statement):

'Newark Town Council's Planning Committee considered the above application at their meeting last night and they felt that the access road remained too narrow and that the application was still too over intensive for the site. It was decided to Object to this application and confirm the original reasons for the objection namely:

"Objection was raised on the grounds that the proposed development was over intensive and the access/egress onto Beacon Hill Road could cause further traffic congestion on an already busy road".'

Previous comments: 02/02/2018:

"18/00125/FULM & 18/00136/LBC – Newark Working Men's Club, 13 Beacon Hill Road, Newark

The above applications were considered at Newark Town Council's Planning Meeting on 31st January 2018 and Objection was raised on the grounds that the proposed development was over intensive and the access/egress onto Beacon Hill Road could cause further traffic congestion on an already busy road. Please note the additional comments made below:

'Members felt that this application could have a significant impact on the local community beyond the immediate neighbouring properties, particularly with respect to the traffic impact arising from such a large number of additional properties being proposed on such a small site. It was AGREED therefore, that the District Council be asked to undertake a wider direct consultation than would normally be the case to include, but not exclusively, the Ropewalk and properties on Beacon Hill Road that are close to the site'."

NCC Highways – Object:

28/06/2018 (In response to the Trip Generation Statement and Summary Statement that were late items at the last Planning Committee):

'I consider the new (late) information is unhelpful.

Not only does the description of the proposal differ from the application, but as a consequence the interrogation of the TRICS database to derive the trip generation is also erroneous. [Trips generated by apartments are lower than houses]. It also describes a summary of a typical week's activity at the club (pages 2-3) which demonstrates that traffic was largely generated outside of the peak hours. So this does not change the stance of this Authority.'

01/06/2018 (In response to amended block plan Rev D showing new pedestrian link to Lindum Street):

"This proposal does not change our views. The new pedestrian link is not an attractive option for people accessing the town centre and not on the shortest desire line. No further comment."

30/05/2018 (in response to applicants Highway Statement):

“Additional Information

The agent has submitted further details by email dated 8 May relating to the previous use of the site along with possible improvements to the existing driveway by way of traffic calming measures, appropriate signage and lighting.

The access driveway is approx. 40m in length and its width cannot be increased to enable two vehicles to safely pass. There are no footways along its length so the site does not encourage pedestrian activity for residents, nor provides safe passage given that Spatial Policy 7 seeks safe, convenient and attractive access for all including the elderly, disabled and others with restricted mobility.

The lack of pedestrian facilities encourages dependency on the car. This is exacerbated further in that whilst residents may wish to travel by car only minimal parking is provided to cater for potential demand.

There are no proposals to reduce the number of units on the site.

As such, the concerns raised in my previous comments dated 27 March remain and it is recommended that this application be refused for the following reasons:

1. The access road leading to the site is substandard in that it is of inadequate width to allow two vehicles to pass and the increased use of the access would result in an increase in the likelihood of unacceptable danger to users of the highway.
2. The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway.
3. 3. In view of the poor access width and lack of pedestrian facilities, the proposal is contrary to Spatial Policy 7 in that it fails to provide safe, convenient and attractive access for all, including the elderly, disabled and others with restricted mobility.”

28/03/2018: “This proposal is for the conversion of the former Newark WMC to form 8 apartments and the erection of 8 new dwellings. The site is served by an existing access onto Beacon Hill Road, which is bounded each side by a wall with fencing along each side of the driveway up to the application site. Considerable on street parking currently exists along Beacon Hill Road including on each side of the access.

In accordance with the current Highway Design Guide (6C’s), for this number of dwellings an access is required to have a minimum width of 5.8m (4.8m minimum width with 1m added as the access is bounded on each side). The existing access is considerably less than this. This would result in the situation where a vehicle would turn into the driveway to meet an egressing vehicle. This would lead to reversing/manoeuvring from the access driveway onto Beacon Hill Road to wait for a clear passage along the driveway, increasing the likelihood of vehicular/pedestrian conflict.

From the plans submitted, plots 15 and 16 have 3 bedrooms and the remainder are two bedroomed. The layout plan submitted, drawing no. 17.3410.16C, provides 1 parking space per unit. There is the concern that this is insufficient and would further increase on street parking in the vicinity.

There are no footways or lighting along the length of the driveway and as such is unsuitable for pedestrian activity.

Therefore, it is recommended that this application be refused for the following reasons:

1. The access road leading to the site is substandard in that it is of inadequate width to allow two vehicles to pass and the increased use of the access would result in an increase in the likelihood of unacceptable danger to users of the highway.
2. The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway."

NCC Lead Flood Risk Authority – ‘Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.’

NCC (Developer Contributions) – 29th June 2018 (was late Appendix C at July Committee)

“National Planning Context

In terms of the County Council’s responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

***‘When determining planning applications, all planning authorities should ensure that:
- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;***

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013). Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;

set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'*.

Education provision

Paragraph 72 states that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Ecology

The application is supported by a bat survey, carried out at the beginning of September 2017. This found no evidence of bats, but does make recommendations towards the end of page 13, which should be conditioned.

Heritage

NCC have read the excellent heritage statement with interest. From Victorian mansion, to a boarding school for boys, then a military hospital, finally its use as a Club, this building has had a packed life. Most of what remains of its grounds are now hardstanding, but these too will have seen many changes, many of which will have been shortlived and not necessarily picked up by OS mapping.

NCC recommend that the building needs an appropriate level of recording, capable of picking up features like blocked windows, graffiti, etc, while ground works and ground reduction around the building need to be monitored by archaeologists. NCC therefore recommend that if planning permission is granted, this should be conditional upon the implementation of an approved scheme of archaeological investigation and recording. This scheme needs to cover both building recording and archaeological supervision and control of ground works.

Developer contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

It is anticipated that details of any developer contributions sought by the County Council will be provided as soon as possible. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

Should any developer contributions be sought in relation to the County Council's responsibilities it is considered essential that the County Council is a signatory to any legal agreement arising as a result of the determination of this application.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site."

NSDC Conservation – have made the following comments during the lifetime of the scheme (in response to various amendments and clarification. They now support the scheme:

08/03/2018 – "Further to the submission of this email and the revised plans sent by Mark Smalley 1st March 2018 I am now happy with this scheme.

I am happy, in this case, that the cellar be tanked, as there are no features that would be lost or obscured by doing so. The system they have described also has the capacity to drain water potentially trapped between the dry lining and outer wall away, particularly important as I doubt the existing render on the outside is very breathable. If this is combined with the re-laying of the cellar brick pavers, consolidated into the main room in each basement flat, this addresses my concerns about the cellar.

In terms of sound insulation the scheme now protects the first floor, which is the principal floor in terms of surviving architectural features, as well as the hall stairs and landing. The scheme for the attic, which also survives well but is lower status in terms of architectural features, can hopefully be achieved by sound insulation between floor joists, which is acceptable. I note the annotation on the attic floor plans also says floor will be overlaid if needed – I am happy that this stays on the plans, but would rather the use of this only if necessary, secured by condition if we can.

I also note the confirmation of the use of downstands where walls are to be removed, which is now acceptable.

I now believe this addresses all my Conservation concerns and, subject to condition, have no objection to this scheme."

28/02/18 – "Thank you for this. However, as I understood it the plan was that the 1st floor would be left untouched in terms of its floors and ceilings, especially as it has decorative fireplaces. The plan I discussed with Kevin was to under-draw the ceilings to the ground floor as this floor is most altered (and the re-fix covings, which in any event may not be original), though not undrawn any area of the stairs and hallway (which shouldn't be necessary in any event I presume) and then lay a floor over that the attic level, which would require skirtings and one less decorative fire place to be lifted, as well as doors (where they survive in the attic) to be minorly trimmed. This would therefore avoid altering the highest status floor.

Please can you confirm that this is the understanding with the client and amend plans accordingly? I am happy that the cellar brick pavers in the rooms they survive will be lifted and re-laid over insulation and dpc. I note the alteration of the rooflights to conservation rooflights, which is better, thank you.

Other queries still not answered:
Is the cellar to be tanked?

Can a downstand be left where walls are to be removed pleased?"

16/02/18 – "I am managed to have a look through these plans and I believe they cover nearly all my requests for amendments. I am grateful for these amendments having been taken on board – this has made this a much improved scheme, especially so with the main central staircase and treatment of plan form.

What I have not had time to do is check them for new or different amendments and perhaps the agent could confirm the amendments only relate to my comments as requested?

The item which remains unaltered in elevation is the rooflights – which are still shown as being of different designs. I note the plan annotation speaks of conservation rooflights but I still think these would look better in a consistent design.

My comments also included a number of queries about whether the cellar was to be tanked, what was to happen to the brick paver floors, details of sound insulation, the potential for keeping downstands above wall removal etc. - all of which are still crucial to getting an acceptable scheme. Could agent now look through my comments and follow up on the questions posed please?"

09/02/18: "Further to the submission of plans to convert the Newark Working Men's Club and associated new build in the grounds I have the following comments. (Please note that comments underlined require amendments with potential conditions are in **bold** and a number of queries are in *italics*)

This submission follows extensive pre-application discussions under PREAPP/00199/17.

Site description

The building is a Grade II listed building, formerly called Lindum House and built in the mid-1860s for a wealthy local businessman and former mayor of Newark. The building is built in the Victorian Classical style, using plain and margin light sashes, rusticated quoins, large moulded eaves and a portico porch.

When first built the building was set in extensive grounds with gate lodges, formal gardens and glass houses. The building also once had full width glass house/orangery to the rear, stepped entrance down into the basement with Regency style awnings over the ground floor windows either side of the porch.



1885 OS Map showing original extent of grounds

By 1882 Lindum House was renamed Hatton House and used as a boys' boarding school, creating a new block to the north of the building (now lost). In 1913 the building became used for Newark Working Men's Club. The building was then requisitioned during WWI for billeted soldiers and as a military hospital. When leased back to the Working Men's Club in the 1920s the curtilage was significantly reduced. From 1900 onwards there was a piecemeal and progressive contraction of the building's land and the consequent residential development around it. The setting of the building today has been significantly impacted by this reduction and development of its curtilage, with no trace of formal gardens now surviving.

In the late 1960s and 1970 large flat roofed extensions were added to the building, taking out the rear wall at ground floor and infilling most of the remaining rear land, again significantly and negatively impacting upon the significance of the building. These extensions are particularly harmful as they overlap the footprint of the building, making them visible in all directions. At some point in its history the grand, central staircase was removed from ground to first floor, leaving legible but much altered vestiges at first floor and an attractive tiled floor to the former hallway at ground floor. The former hallway became a bar area with a suspended ceiling (recently removed to reveal overall good survival of the decorative coving).

The building's plan form is essentially four rooms off the central hallway/staircase, but this plan form has been significantly altered over time and while legible in a plan based exercise survives only in part on the ground floor and somewhat better at first floor. The attic is generally better preserved, having a number of rooms off a central corridor. The attic doors, where they survive, still retain a notation about the number of men allocated to each room – a survival presumably from its military days. The attic did previously have a bank of rooflights, the glass from which has been smashed in and the lights roofed over.

In terms of architectural detail - survival is varied. Of note is the tiled floor in the hallway (covered in screed in places but hopefully mostly capable of repair), decorative coving to the former hallway and landing (part damaged but again hopefully capable of repair), grand, staircase at first floor, a few fireplaces and a few fire baskets, partially legible plan form, good survival at attic level. The

basements are a number of rooms with the remains of blocked sash windows. Some brick paver floors survive while others have been lost. There is one set of cold slab shelves in the basement.

Statutory framework

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

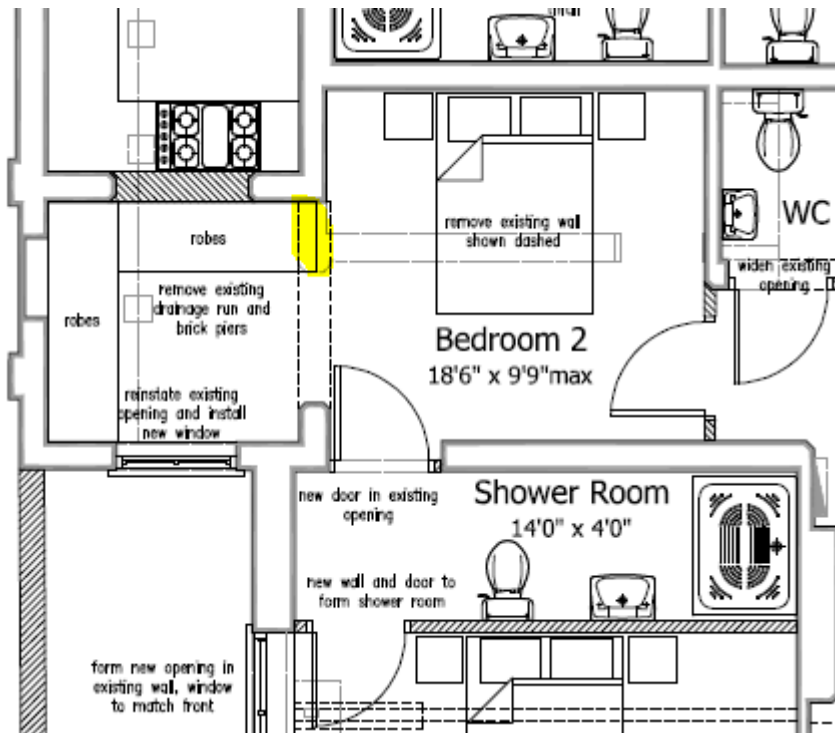
Comments on proposed scheme

Basement

One of the main changes to the basement is the reinstatement of the windows here, which can be seen surviving, albeit in a derelict and blocked in form. These were reasonably formal sash windows and show that the basement was used as living accommodation in some form. Their reinstatement and the better use of the cellar will be a positive heritage gain for the building. I do note, however, that for some reason the new cellar windows have been drawn as almost full height but are not currently. I can see no reason why the existing pattern (which survives well enough to be copied) could not be re-used. I would be grateful if you could pursue this amendment please. I understand from the owner that some hidden steel supports will be required behind these window architraves but I have no objection to this. **All repairs and structural interventions required should be conditioned.**

In terms of plan form, the overall existing layout is actually quite well preserved in the proposed plans. I note one of the small store rooms is being removed to create a larger room, but appreciate the re-use of the adjacent store room as a shower and another as a kitchen.

There is one small area, see plan extract below, where an attractive rounded arch is being removed to create a wider entrance to a wardrobe area. Given the use of this space there is no need for this removal of fabric and the arch should be retained.



It is a shame to lose the shelving with the cold slabs, though I do accept they could be hard to re-use within the flats conversion. Overall I think the reinstatement of the windows and an active use here makes for an acceptable balance and I have no objection.

I note in the proposed sections one area of cellar floor will be raised – this is where it has been reduced in height previously and I have no objection to this.

Ideally the brick pavers, where they exist, should be retained, which should be conditioned.

Is there a proposal to tank the cellar? It does not actually seem to smell or feel damp so I am not sure this is necessary, though do accept that there are no architectural features which would otherwise be covered or compromised (other than the floor covering – see above) if it were tanked (especially as the windows will be reinstatements).

Ground floor

The main alteration here is the reinstatement of the grand, staircase down from the first floor level. This will be a significant heritage gain and improvement to the aesthetic significance of the building as well as making the plan form more legible. I understand new decorative metal stair rods would be cast to match, though this detail should be conditioned. Now that the suspended ceiling over the bar has been removed the decorative coving is now revealed and while it will **need repair (to be conditioned)** it is relatively well preserved and mostly capable of repair. **The treatment of the tiles in the hallway, as well as the spec for coving repair, should also be conditioned.** This should secure a significant heritage gain for this building.

In order to divide off the separate residential units from this communal hallway I appreciate that a new inner hall is to be created, to allow not just access into the flats but access *within* the flats to different rooms. This seems like an acceptable compromise and the original hallway will still be retained in plan but **the retention of a downstand** where historic walls are being widened out should be conditioned, as this will make the plan form more legible. I understand the **new inner hall can sit just within (and therefore not harm) the moulding on the hallway ceiling, but again this detail could be secured by condition.**

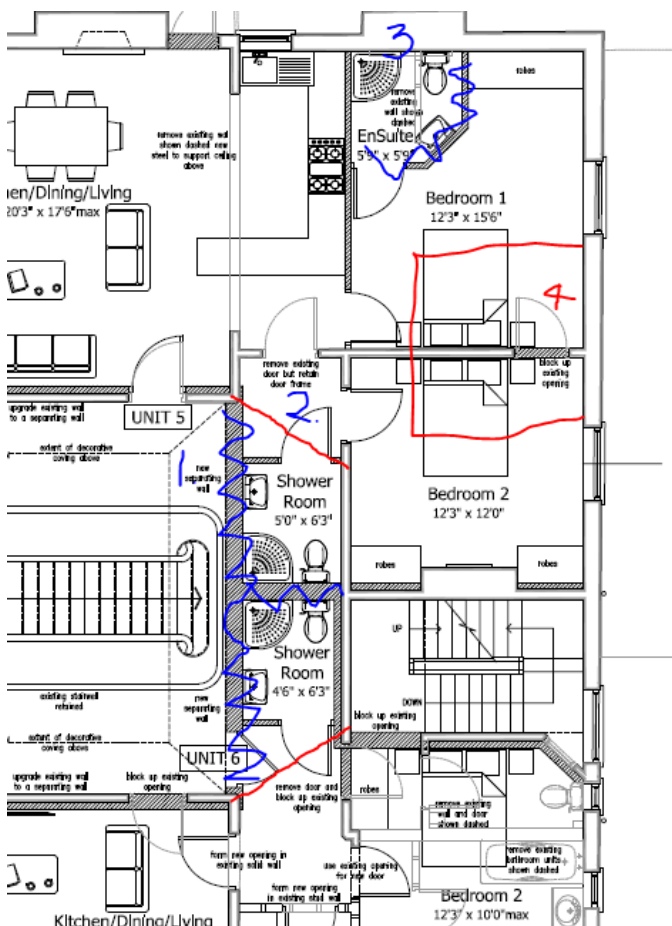
The front rooms are the only rooms which retain their original proportions, though with no fireplace or chimney breast. While the left hand room will be partially opened up to create a kitchen/diner the original layout can be read by conditioning a downstand, and is a 'trade-off' for the re-formation of the right hand room.

The removal of the rear extension gives the opportunity to re-form the original position of the back wall. While these back rooms are to be then subdivided they have long since lost any significance by the wholesale opening up which occurred in the 1960s/70s, so I have no objection to their subdivision and think there is still overall heritage gain by re-forming the original position of the back wall.

How is any acoustic separation going to be made between first and ground floor? If needed I think this should be made within the ground floor living areas (though not in the communal staircase and hallway) as these rooms are quite altered and I am not convinced the coving in these ground floor rooms are original. Details should be submitted or conditioned.

First floor

Please see my annotated floor plan for suggested amendments to the first floor:



My main issue with this first floor layout is the way the reinstatement of the grand staircase will be compromised by bringing forward rooms right up the banister, removing the landing, as marked with the blue zigzag line and number 1. This will crowd the staircase and undermine the ostentatious sense of space (and circulation) that it was designed to bring. I have spoken to the owner about this specifically and accept there needs to be some form of easement to keep access across the landing it the flats, but that this can be achieved by a chamfered corner, as marked

number 2 above, leaving most of the original landing open. This will complete the positive impact of reinstating the grand staircase.

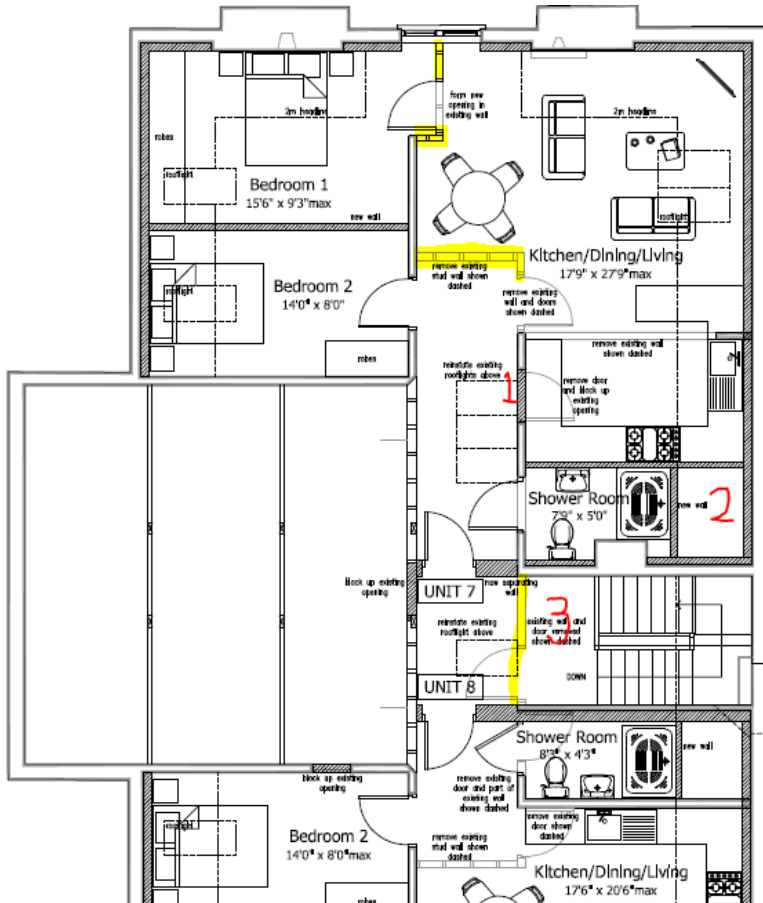
I am also not happy at the proposed ensuite across a fireplace (marked number 3 above). I do appreciate an existing inappropriate stud wall here, but the removal of this and reinstatement of the fireplace as a proper feature will be a positive enhancement which could be achieved here. The compromise is the need to achieve bathroom space and I feel this is best achieved by creating a 'Jack and Jill' style arrangement as marked number 4 above. Overall, I think this will be a better arrangement than is currently at the building and a reasonable compromise moving forward. What we didn't discuss on site, but which could be looked at, is whether the floor to ceiling height is such that this ensuite could be formed more as a pod, sitting under the original ceiling height allowing the original layout of the room to be read. The other option, which was used at St Pancras Station Hotel and put forward in the recent Kelham Hall application, is to create a bespoke bed which has an ensuite behind, almost like a fitted wardrobe, although I appreciate this may be more appropriate for hotels than for residential properties.

I also note there are various areas of internal lining to improve acoustic qualities between separate units. While this is an otherwise unwanted intervention the room proportions are such that this can be achieved with no perceptible alteration but I would ask that the **coving, skirting and picture rails be reformed and secured by condition**. It is a better compromise to have this lining within the living areas, rather than on the staircase and landing, and so overall I have no objection to this intervention. Equally bedroom 2 of unit 5 sees lining either side of the chimney breast, but the reveal is deep enough here to allow for this with no perceptible loss of the chimney breast projection. **I would ask that the annotation marked robes either side of this chimney breast not rise to full ceiling height, allowing the dimensions of the chimney breast to be read, again to be secured by condition.**

Second floor

The second floor has the best degree of preservation in plan form, although unsurprisingly the least amount of fine architectural detail (as is usual of what would have been servant's quarters). I am disappointed to see a large degree of loss to the planform here, which in most cases does not seem necessary at all. The owner and I discussed potential revisions here and feel a similar and workable layout can be achieved by mostly retaining the existing plan form, as indicated below:

In unit 7:



Fabric marked yellow should be retained and the scheme would work the same with this retained.

This includes the entrance lobby to the second floor (marked by number 3) where the arched opening should be retained, although the door itself can be lost as this is a modern, somewhat flimsy, door.

At my number 1 the historic door (which retains details of the number of billeted soldiers painted onto it) should be retained and fixed shut.

I note there is a bathroom to be formed across a chimney breast but this is the flue only and no sign of having had a fire place opening, so I am happy with this. We discussed not wasting the void at number 4 but incorporating this for a bath, which seem a sensible use of space.

Again, where the wall is to be removed to create the large kitchen/dining/living area I believe there should be space for small downstand to be left?

I believe a bed is shown across a fireplace with fire insert in bedroom 1. While I appreciate this is indicative only the fireplace and fire insert here should be retained.

Generally at second floor:

I believe my annotations for unit 7 also apply to unit 8 which is a symmetrical reflection of this unit, so I would also be seeking similar alterations on this part of the second floor.

I have objection to the proposed division of the large rooms into two double bedrooms. While the rooms have a central fireplace it is very much a functional, rather than decorative, feature and the rooms have no other architectural features that would be harmed by its division. I am therefore sympathetic of the desire to create two double rooms out of this one larger room.

I note again the use of internal acoustic lining. I note this will remove the small projection of the chimney breast, however the existing arrangement is almost flush anyway and the fireplaces are very functional with no grandeur, so I have no objection to this intervention.

I note the reinstatement of the lost rooflights (those closer to the ridge), which I have no objection to. I note these are not shown as 'conservation rooflights', i.e. no central bar is shown – *do we have any evidence they were large sheets of glass as shown? I wonder if there would be more consistency if these were also designed as conservation rooflights with the central bar?* I also note new additional rooflights but do not object to these as they are required to bring a new use to this upper floor, which is lit by minimal natural light at present, and were already a feature historically used at the building. I would rather these were not on the front elevation, but there is no way to sensibly create a second bedroom without them, so provided these are **conditioned to be low profile conservation rooflights** I have no objection.

In terms of acoustic separation between the first and second floor I feel the compromise should occur at the second floor. There is space in the floor void for insulation and I believe a small air gap can be created by over-boarding the second floor floorboards. This would require a minor amendment to the few surviving doors and may require one fire insert to be lifted, but this could be achieved without a visual compromise and leaves the more sensitive first floor preserved. **The exact means of acoustic interventions should be conditioned throughout.**

Elevations

I note the huge improvement to the rear elevation through the demolition of the flat roofed extensions and the re-formation of the rear wall. I also note the use of a matching margin light sash to the new ground floor elevation, bringing consistency back to this elevation. While I had wanted all the new windows to be aligned at the rear elevation, I note this is not possible due to the location of the servant's stairs, so I doubt this arrangement ever was truly symmetrical. **All new windows should be conditioned.**

I also note reinstatement of the enclosures around the basement windows, which will better reveal the original appearance and significance of the building, and should again be conditioned.

I think it is a plan drawing error but the round topped finish to the side elevation windows has been lost between the existing and the proposed plans, though I can see no reason why. Please can this be looked at and hopefully re-drawn?

Landscaping

The demolition of the large flat roofed extensions will enhance the setting of the building. The creation of a small area of formal garden to the rear of the building in its place will further help enhance the building, as will the small area of formal greenery to the right of the front entrance way.

I note the equivalent space to the left of the entrance is given over to parking, but I would very much like this space removing and relocating, so that a sense of formality could be seen across the whole of the front (see below). Considering how little is now left of the grounds a sense of greenery and formal setting is now extremely important, especially with the proposed new building in the grounds (see comments below)



I note the proposal has close boarded fencing around the perimeter of the site. While this is far from the historic boundary treatment one would have once seen here, I see it is what is already around the site (plus a small area of modern bricks from an adjacent garage). As such I have no objection but perhaps we could **condition this to be a dark brown colour and softened with planting where possible.**

Development in the grounds

Units 14-16 have been designed and placed to equate to the kind of ancillary outbuildings a building of this status may once have had, and their location at the end of the drive would have been similar to other historic arrangements of stables and coach houses etc. Their overall scale is modest and traditional and does not rival the host building. They have a general sense of traditional detailing, in the window proportions, segmental arches, gable stacks etc., but have simple details which avoid the pastiche. They are not located on a part of the site which specifically contributes to its setting and will not affect any significant views. I have no objection to these new units and they may even enhance the setting of the building, enclosing its curtilage and blocking out the residential developments beyond.

The current design of units 9-13 is the result of extensive pre-application discussions, which began initially in creating a new build extension to replace the existing flat roofed units. However, due to the large floor to ceiling heights of the host building, along with its high status and imposing appearance, we were unable to create an extension which respected the architectural features of the host building, deferred to its dominance but also provided a level of accommodation desired by the applicant. While accepting that the total removal of the existing extensions and no commensurate extensions or new build would be the ideal situation, weight must be given to the starting point of these modern flat roofed extensions being a reality and a fall-back position. I am therefore happy that the best way forward is to effectively shift the bulk of extensions and new build away from the main building and create detached structures. Again, I note the overall modest and traditional form and detail of these units, which I do not think will look out of place in this general context. Given the historic removal of the formal setting and grounds of this building and the current impact of the flat roofed extension I think the new build here as proposed this will cause no net harm over the existing arrangement. I do also feel the re-formation of the hall and a

small sense of formal grounds around it, even with the new build as proposed, will overall enhance the setting of the hall.

As such I have no objection to these new-build elements **subject to conditions for high quality materials and details.**

Conclusions

Overall I am supportive of this application and am keen to find a viable new use for this listed building which is currently vacant and has been under-used and poorly maintained for many years. Given the building's size but limited grounds I have considered the unlikely event of it being bought as a single residential unit and feel its use as flats is a pragmatic way forward. While there are some inevitable compromises required to divide this building up into smaller units, the scheme also brings with it significant and tangible heritage benefits which, on balance, make for a positive scheme.

There are various elements of detail which I feel need altering to ensure this is not a harmful scheme, especially as in these cases the harm cannot be justified as there are sensible and workable revisions which overcome this harm. I therefore do want to see this scheme improved by negotiation.

If recommended for approval there are various specific and detailed conditions which would be necessary (as well as the more standard conditions seen on listed building conversions) which I have tried to highlight above but am happy to work through prior to determination.

I trust these comments are helpful for now."

Historic England – 'Thank you for your letter of 13 June 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.'

NSDC – Parks & Amenities – No response received.

NSDC – Strategic Housing – 'Under the Council's current policy, we would be seeking up to 4 units of on-site affordable housing. In terms of tenure we would be looking at 50% affordable rent and 50% shared ownership. I have spoken with a couple of our Registered Providers and given the site details available they would now show some interest in the houses only. (S106 capacity varies from month to month). Their current offer would be in the region of 40% of open market value for the rented and approximately 70% for the shared ownership.

I have discussed the perceived values of these with Planning Policy and they believe this would range from £90K (for the smallest) to £120K for the two bed houses. They would therefore be making an offer of £84k for the two rented properties and approximately £168k for the 2 shared ownership properties. This obviously represents a loss to the developer of £126K for the rented and £72k for the shared ownership. This totals an offer to the developer of £252K for the 4 properties. Therefore they will 'lose' or the planning gain is £198k.

The Council may also be interested in purchasing the properties and also Newark and Sherwood Homes may register an interest.

The Council's policy on commuted sum payments (Affordable Housing SPD) states that any financial contribution must provide sufficient funds to enable the equivalent value of on-site affordable housing to be provided off-site. Where there is no provision on site, the payments must reflect the fact that 100% of the on-site development will be market housing (compared to 70% when affordable housing is provided on site).

Thus for every seven dwellings on site, the commuted sum payment must provide for 3 dwellings off-site.

I would suggest that the commuted sum is a minimum of £200k on this site. If we added the uplift from the site becoming 100% market housing this would increase to £300k.'

NSDC – Community Facilities (Community Sports and Arts Development) – 'I have no objection to this proposal subject to a full community facilities contribution in accordance with the current Developer Contributions SPD. Such contribution would be directed at a community project in the locality. Further details can be provided as necessary should this be necessary.'

Further comments: "The project I have identified is the Sherwood Avenue Pavilion. The club are keen to open the facility to the wider community particularly in the daytime and outside of the bowling season to make it more sustainable as it is currently underused. The site could be promoted as a community resource where local people could go for social purposes and get some refreshments. The plan is to extend the pavilion ideally and create a kitchen facility and more internal floor space. The facility could be opened up for visitors to the park. I think that the site may have had some S106 monies previously but that would be approximately 13 years ago."

It has since been clarified that the building is an asset now owned by Newark Town Council having been transferred from NSDC.

Nottinghamshire Wildlife Trust –(06/02/2018) "Thank you for sending through the Protected Species Survey Report. Whilst the survey work was carried out late in the season, we find we are satisfied with the report's conclusions. Should the application be approved, the recommendations should be secured through use of a planning condition."

NSDC – Access and Equalities Officer – Makes general observations

NCC (12/07/2018) - **Having liaised with the Place Planning Team I can confirm that based on current pupil projections there are sufficient places to accommodate the additional 3 primary and 3 secondary pupils projected to arise from the proposed development 18/00125/FULM. NCC would therefore not be seeking an education contribution on this current application.**

Independent Viability Assessor – (in respect of viability report focusing on developer contributions)

'The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

The detailed methodology to assess the economic viability of development is set out in 'Vi-ab Viability for Town Planners Guidance Notes'.

Summary

The site contains a Grade II Listed Building which is proposed to be refurbished and therefore will have a number of inherent abnormal repair and restoration costs. The remainder of the site will be developed for new build terraced houses.

Key Assumptions

GENERAL		
Net Developable Site Area		0.23Ha
Development Scenario		Brownfield
Total Unit Numbers		16
AREAS		
Net Residential Sales Area	Houses	572sqm
	Apartments	537sqm
Gross Construction Area	Houses	572sqm
	Apartments	671sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	Houses	£1991qm
	Apartments	£1937sqm
CONSTRUCTION COSTS		
	Houses	£1175sqm
	Apartment Refurbishment	£791sqm
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Costs	Listed Build Repairs	£79,000
	Demolition	£40,000
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£111,952
Existing Brownfield Land Use Value		£85,100
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£98,526
OTHER FEES & COSTS		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		3.0%
Contingencies		5.0%

FIXED DEVELOPER CONTRIBUTIONS		
CIL		£0
Planning Obligations		£0
FINANCE COSTS		
Interest		5%
Arrangement Fee		1%
DEVELOPMENT PROFIT		
Development Profit Return on GDV		20%

Assumptions Comments

The sales values proposed by the applicant for apartments at £1937sqm are significantly in excess of the values recently adopted by the Council in the viability evidence presented at the Local Plan Examination in February 2018. The housing the proposed housing values are broadly in accordance with evidence at £1991sqm. As such the sale values are agreed for the purpose of the appraisal.

The applicant proposes construction cost rates (inc external costs) of £1175sqm for the new build houses and £791sqm for the Apartment refurbishment. This compares favourably to current BCIS rates at £1318 for new build terraced houses and £1351 for refurbished apartments. The applicant's proposed costs have therefore been adopted in the appraisal.

The applicant has included £40,000 for demolition works and £79,000 for various Listed Building repairs including staircase reinstatement, chimney stack overhaul, portico/frontage works and cellar brick sett works. These costs have been investigated in detail but do not seem unreasonable in connection with Listed Building refurbishment.

The land value allowance has been calculated following the benchmarking methodology adopted by NSDC. This splits the uplift in land value 50:50 resulting from the grant of planning permission and is calculated as follows :-

$$\text{Benchmark} = \text{Existing Use Value (Based on Brownfield Office/Industrial Use)} + \frac{(\text{Residual Land Value} - \text{Existing Land Value})}{2}$$

$$\text{Benchmark} = \text{£85,100 (Based on £370,000 per HA)} + \frac{(\text{£111,952} - \text{£85,100})}{2}$$

The resulting benchmark value at £98,526 is significantly lower than the proposed land value allowance of the applicant at £222,000, which is the reported purchase price.

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

For the purpose of the appraisal no Sec 106 Infrastructure contributions have been assumed and the location carries no CIL charges.

Viability Results & Conclusions

A copy of the Viability Appraisal is attached to the Report.

The viability assessment indicates a small positive margin of £4784. This is not considered sufficient to make any meaningful contribution to Affordable Housing or Infrastructure. It is also acknowledged that the adopted land value benchmark in this case at £98,526 (at approximately £6,000 per residential plot) may be unrealistically low to secure a residential site in this location in Newark.

On balance it is considered that the proposed development is not able to viably support any developer contributions.'

Four neighbours/interested parties have made comments/raised concerns which are summarised as follows:

- This development could involve the parking of at least 16 cars and possibly 32 – has this been taken into account?
- Access onto Beacon Hill Road is poor due to on-street parking every day of the week;
- This level of existing on-street parking already obscures the visibility when local residents (eastern terrace lane) are trying to leave;
- Access will be virtually impossible for large lorries with building materials if the entrance is from Beacon Hill Road;
- Loss of privacy through overlooking;
- Imposing impact on Lindum Mews through height of proposed terrace (plot 9) given the 1m difference in land levels and 2m distance to the boundary;
- Plot number 13 will have its gable end right up to the boundary fence which will cause reduction in light to bedroom and sitting room windows of existing house and garden;
- Loss of light to southern boundary of Lindum Mews would dramatically reduce the amount of available light to the front of Lindum Mews (rear accessible only for maintenance);
- Direct loss of sunlight to the front of Lindum Mews would equate to circa 60%;
- The development is too intense, particularly given existing new developments in the area - there has been in excess of 100 houses built within a matter of 300yds within recent years without local amenities being addressed;
- Surface water drainage concerns - Historically, the level of water gathering along the Northern edge of the site has been problematic to the point of flowing in to the adjoining gardens when the drainage has failed. Drains haven't been able to cope and needs to be addressed;
- May be a more suitable option of a lower property (bungalow) and/or lower number of units which would not impede neighbouring amenity.

Comments of the Business Manager

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

Principal of Development (including loss of a Community Facility)

The existing site was last used as a working men's club. Therefore the starting point is to consider whether the loss of what is effectively a leisure/community facility is acceptable having regard to Spatial Policy 8 of the Development Plan.

SP8 seeks to protect against the loss of community and leisure facilities unless it can be demonstrated that (1) the continued use as a community facility or service is no longer feasible, having regard to appropriate marketing, the demand for the use of the site or premises, its use ability and the identification of a potential occupier; and (2) that sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better, and (3) there is sufficient provision of such facilities in the area. I am mindful however that the Publication Amended Core Strategy which is now well advanced is less onerous with the 'and' being replaced with 'or' which given the stage of Plan Review must carry considerable weight.

The applicant has advised that after 100 years the club ceased trading due to it being no longer a viable commercial concern when it was agreed that the property would be sold. Wood Moore & Co. Ltd have confirmed that they were instructed to market the property in June 2016 but that after extensive marketing no interest was received for the property to be purchased as a working social club nor for activities of a similar nature. In April 2017 the former Working Men's Club Committee agreed to sell the property.

Other than confirmation of this from Wood Moore & Co. Ltd no further evidence of marketing has been provided for the period of up to 10 months that this was marketed by them. However I am mindful that the site is located within Newark where there are other clubs (such as the Newark Town Club on Barnby Gate which is within a short walking distance) and public houses also nearby such that I am minded to conclude that there is adequate provision of such a facility in the area and that its loss should not be fatal to this application, particularly when considering the direction of travel of SP8 through the Plan Review.

The site is located within the built up area of Newark which is defined as a 'Sub Regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area including the listed building, residential amenity of neighbouring properties and parking/highway safety will all need to be taken into consideration and are discussed below.

Impact on Character (including Design and Heritage)

Core Policy 9 requires that developments achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The conversion of the listed building to 8 apartments has been very carefully considered by the Council's Conservation Officer. Full details are set out in the consultation section above which I have not repeated. Members will see that the Conservation Officer (CO) is very supportive of the scheme and is keen to secure a viable use for this listed building which has been vacant, under used and poorly maintained for years. The CO believes that this scheme will bring with it significant and tangible heritage benefits which include the removal of the modern extensions which harm the buildings significance, the reinstatement of the blocked windows in the basement, the reinstatement of grand central staircase, the removal of a modern suspended ceiling at ground floor, revealing original coving and the restoration of the tiles to the hallway floor to name of few. The Conservation Officer has worked with the applicants agent to secure amendments and clarity where needed such that there would now be no harm to the listed building and all of these benefits including improvements to the grand central staircase could be secured through condition. I concur with the CO that there would be heritage benefits in an approval situation.

With regards the development in the grounds, in order to facilitate this, the ugly flat roof modern extension to the listed building would be removed which in my view would bring about enhancements to the listed building. The design, scale, layout, use of materials and detailing of the proposed new build has been sensitively designed following detailed pre-application advice. All of the detailing could be controlled via condition if the application were to be approved. I share the views of the CO in that the scheme would not have a harmful impact on the setting of the listed building nor the wider character of the area. The CO succinctly summarises the view that we share below:

"Units 14-16 have been designed and placed to equate to the kind of ancillary outbuildings a building of this status may once of have had, and their location at the end of the drive would have been similar to other historic arrangements of stables and coach houses etc. Their overall scale is modest and traditional and does not rival the host building. They have a general sense of traditional detailing, in the window proportions; segmental arches, gable stacks etc., but have simple details which avoid the pastiche. They are not located on a part of the site which specifically contributes to its setting and will not affect any significant views. I have no objection to these new units and they may even enhance the setting of the building, enclosing its curtilage and blocking out the residential developments beyond.

The current design of units 9-13 is the result of extensive pre-application discussions, which began initially in creating a new build extension to replace the existing flat roofed units. However, due to the large floor to ceiling heights of the host building, along with its high status and imposing appearance, we were unable to create an extension which respected the architectural features of the host building, deferred to its dominance but also provided a level of accommodation desired by the applicant. While accepting that the total removal of the existing extensions and no commensurate extensions or new build would be the ideal situation, weight must be given to the starting point of these modern flat roofed extensions being a reality and a fall-back position. I am therefore happy that the best way forward is to effectively shift the bulk of extensions and new build away from the main building and create detached structures. Again, I note the overall modest and traditional form and detail of these units, which I do not think will look out of place in this general context. Given the historic removal of the formal setting and grounds of this building and the current impact of the flat roofed extension I think the new build here as proposed this will cause no net harm over the existing arrangement. I do also feel the re-formation of the hall and a small sense of formal grounds around it, even with the new build as proposed, will overall enhance the setting of the hall."

For these reasons I consider that the proposals accord with the relevant policies of the Development Plan and bring about heritage gains which will need to be weighed in the planning balance.

Cross Subsidy

Throughout the course of the planning application, the viability of the development has been considered in respect of the schemes ability to contribute towards developer contributions which is discussed later in this report. The developer has also put forward a case that the new build dwellings are necessary in order to fund the conversion of the listed building.

Additional viability reports have been submitted upon request which have been independently reviewed. The conclusions of our consultants review are summarised below:

- The conversion of just the listed building into 8 apartments makes an overall 'loss' of approximately £140,000. The listed building appraisal includes the entire site cost at £222,000 which is considered reasonable and fair given its size and location;
- The new build appraisal, which has no cost in for land, makes a profit beyond the base 17.5% allowance, of £95,000;
- The additional profit of £95,000 for the proposed new build houses does not make up the overall loss of £140,000 for bringing the listed building back into residential use (i.e. there is still a £45,000 deficit). As such there is no 'tipping point' as the entire new build development proposed still does not create a minimum developer return of 17.5%. The developer would in effect have to accept a reduced profit of 13.5% on the new build element to make the overall subsidy balance.

It therefore appears to me that mothballing the site is not an attractive option given the site is vulnerable and is already suffering from security issues from squatters (according to the applicants) and there will be a cost of doing this without any revenue to set against this.

The figures show that the conversion of the listed building is highly unlikely to happen without any new build as this alone would make a developer loss giving no incentive to deliver the scheme.

Officers have sought to understand the minimum level of new build development required to bring about the conversion/restoration of the listed building. Based on the applicant's submissions and the independent advice we have taken, it has been concluded that even a scheme for 8 new dwellings would not deliver the usual minimum of 20% profit that a developer would expect in order to provide the incentive to progress. Nevertheless the developer (who has successfully implemented similar heritage schemes previously within the District) has expressed a willingness to accept a lower profit margin of 13.5% and I am satisfied that the new build dwellings are necessary in order to render the overall scheme financially viable insofar as a developer is willing to accept a reduced profit in this case. This must carry weight and the matter will be considered further in the planning balance section.

Housing Density, Mix and Need

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Average densities of between 30-50 dwellings per hectare have been set for the 3 strategic sites in the Newark Urban Area.

Excluding the proposed apartments and the land upon which these are sited, the scheme of 8 new build dwellings on 0.2 hectares equates to 40 dwellings per hectare, which is within the range expected in urban areas such as this, subject to other considerations.

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should,

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

Core Policy 3 states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including the elderly and disabled population. It says that mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information. The Publication Amended Core Strategy has, based on more up to date evidence, named that the greatest need for the District as being smaller houses of 2 bedrooms or less and housing for the elderly or disabled population.

This proposal would provide 14 x 2 bedroom dwellings and 2 x 3 bedroom dwellings. Whilst there is a limited mix in terms of the number of bedrooms, I am satisfied that the scheme would deliver a mix of units (with a range of living space options) that meet the most up to date identified needs for the district in a highly sustainable location. The accommodation comprises a mix of two storey terrace/mews dwellings, apartments and contains 3 units that have ground floor accommodation only that would potentially be suitable for the elderly or disabled population. I therefore conclude that the scheme meets with the policy aspirations of CP3 and is acceptable in terms of density, need and mix.

Impact on Highways Network

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development and appropriate parking. Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. It also seeks to minimise the need for travel through measures such as travel plans, provide safe convenient and attractive accesses for all and provide links to the network of footways etc. to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience

and free flow of traffic are not adversely affected, provide appropriate and effective parking provision and ensure that the traffic generated from a proposal does not create new or exacerbate existing on street parking problems.

Members will note that the Highways Authority have consistently objected (details are contained within the consultation section of the report) to the scheme from the outset. Despite attempts by the applicant to address and persuade the Highways Authority, they remain resolute that the scheme is unacceptable and should be refused.

In order to ensure the scheme is financially viable, 16 units is the minimum number of dwellings required in order to render the scheme financially viable (see Cross Subsidy Section above) so there is no scope from the developers perspective to reduce the number of dwellings.

Access to the site is from Beacon Hill Road between no. 1 The Close and no. 11 Beacon hill Road which is bounded by a wall on each side with fencing along the side of the drive.



The thrust of the NCC objection relates to the inadequacy of the width of the access (which should be 5.8m) and drive for the number of units which would result in vehicles turning in to the drive, encountering a car have then having to reverse back onto Beacon Hill Road to wait for clear passage increasing the likelihood of vehicular/pedestrian conflict. They have commented that there are no footways or lighting along the length of the driveway and conclude that it is unsuitable for pedestrian activity; the provision of such would further reduce the width of the drive. They have also raised concerns that the 16 parking spaces is insufficient and would further increase on street parking in the area.

In response the agent has sought to address the concerns through the submission of a revised plan and acquiring garages to the south-west (north of no. 1 The Close) which increases the number of parking spaces to 19 as well as including a pedestrian access link from the north-western part of the site (via a passageway adjacent to Plot 16) to Lindum Street to the north. There is no further land available to allow for the widening of the access and drive (so whatever the use the access will likely be substandard). The applicant's agent has also provided a short statement which I have set out in full below:

"I would be obliged if you would consider the following statement in respect of the propose conversion of the existing commercial premises to 8 apartments together with a further 8 enabling houses, proposed to generate sufficient commercial viability to facilitate the full restoration of this important listed building.

Former Use

The premises have been a long-standing commercial enterprise consisting of a fully licensed club which attracted significant numbers of people in its heyday. The commercial use not only generated substantial traffic movements in terms of the private car but also required regular deliveries by larger lorry and van movements. The premises provided for a maximum number of 57 car parking spaces which all utilised the existing drive.

Since closure of the club, approaches were made for the use of the vacant car park as town centre and college related car parking. This was permitted on a short-term licence arrangement but has now ceased. However, without the ability to secure the planning permission for restoration of the listed building, the re-use of the car park for such purposes will have to be considered in order to generate some income stream.

Proposed Use

The listed building is in a poor state of repair and it is proposed that conversion to residential apartments will permit its full restoration, together with the reinstatement of features which have been removed over various years. It should also be noted that the building is now beginning to suffer vandalism and illegal occupation, which is further damaging and putting at risk the fabric of the building. An urgent solution to its future use is required.

From a highway point of view, it is fully accepted that the access serving the property is below ideal modern day standards and is therefore compromised. However, when the existing lawful use is compared to the traffic generated by the proposed use, there will be a highway betterment in terms of traffic movement out onto the adjacent roads. The situation can further be improved as the acquisition of a double garage block has been agreed and is now proceeding through legals. The three car parking spaces associated with these garages can be removed, thereby further reducing the lawful vehicular use of the existing driveway. The submitted plans also ensure access can be achieved for refuse and emergency vehicles, with onsite turning facilities.

Furthermore there is the opportunity to seek additional improvements in the use of the existing driveway by ensuring the installation of traffic calming measures, appropriate signage, lighting and utilisation of the maximum width of the available driveway. All of these matters would create betterment over the existing situation and given the reduction in traffic usage, there is good reason to support this proposal in highway terms alone. Notwithstanding this, there is a critical need to ensure the future commercial and viability viable use of the import listed building before further deterioration takes place.

In any event, the location of the property is highly sustainable and within walking and cycling distance of the town centre and other public transport facilities. The inclusion of a requirement for a travel plan for future residents would further incentivise the reduction in dependency on the private car.

Conclusion

The existing commercial use and alternative use of the existing carpark can be demonstrated to have a greater impact on highway concerns in the locality than the proposed modest redevelopment for residential use. Given the thrust of National policy to provide more housing, the sustainable site location and the ability to secure highway access improvements, the balance should be such that a wider strategic view be taken to support or at least raise no objection to the proposal which will ensure the viable future for an important listed building.”

The amendments and above Statement have not overcome NCC Highways concerns with them stating that the pedestrian access is not the shortest desire line to the town centre and their reiteration of previous concerns.

I note the new pedestrian route is not the most convenient for the town centre but it would likely be attractive for residents using the convenience store on Sleaford Road and the Northgate Railway Station.

The agent makes an argument that the fallback position is such that it could have a worse impact upon highway safety than the proposal and its use as an interim car park (bearing in mind there is currently space for over 50 cars) has the potential to attract cars at peak times, not unlike a residential use. This would not require planning permission so it is realistic. This fallback position causes me some difficulty in balancing the highway view against matters which could arise in any event. On this basis NCC have been explicitly asked whether on this basis they are still confident to object and whether they would defend their position in an appeal situation. Their response (14/06/2018) is as follows:

“The access arrangement is both wrong for the scale/type of proposed development AND as use as a car park. Therefore I am of the opinion that using the site as a car park does not make it any more right (in this case) to approve the residential development where residents will have no choice but to use a risky access. I am uncertain as to how attractive a public car park will be here in any case. I stand by our recommendation and would be happy to support an appeal if necessary.”

You will note that that NCC Highways Authority are resolute that the scheme would be harmful to highway and pedestrian safety even taking into account the fallback position. It is fully accepted even by the applicants that the access is inadequate in terms of its width but there is no land available to allow for this to be widened and the reality is that whatever the use of the site in future, the access would likely be sub-standard. Whilst I do feel that the NCC stance is challengeable at appeal (especially when fallback is considered alongside heritage matters) I note that NCC remain resolute, and are the statutory consultee and highway experts in this instance. Accordingly I do give great weight to their objection given the potential harm to highway safety and pedestrian and vehicular conflict.

Despite attempts to find a solution, this has not been possible. From NCC Highways perspective the fewer number of units the safer the development would be. Given the site is within walking distance of the town and thus is a highly sustainable location I have explored with NCC whether there is any scope for a scheme to provide no parking (or a more limited number of parking) given its location within Newark. The NCC reply was that this would lead to on-street parking which they would also object to.

With regards to the Trip Generation Statement by Bancroft Consulting (which formed a late item at the last committee), this is not dated but appears to relate to an earlier version of the scheme (17 dwellings with 17 parking spaces – as opposed to 16 dwellings with 19 spaces). My understanding is that there has been a dispute between the author of the report and the applicants such that it was never updated and hence it was not submitted.

Impact Upon Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

Careful consideration has been given to the impacts of the scheme and I consider these further below.

Plots 1 to 8 (proposed apartments within the existing building)

The external alterations to the listed building are relatively minimal and the applicant has sought to utilise existing fenestration openings limiting the impact upon neighbouring in terms of overlooking.

Four small roof lights are proposed to be inserted on the front elevation serving bedrooms of the apartments within the attic space; these are situated c14.8m from the boundary with dwellings to the west, albeit these are off-set to the north and south. Given the distance and orientation, I do not consider that these would cause an unacceptable impact in terms of loss of privacy.

At the rear of the listed building, 4 roof windows are proposed facing east towards the front elevation of new build plots 9 to 13. Whilst the distance between the listed building and the proposed dwellings is c12.5m away, I am mindful that this is an acceptable arrangement in the case of many dwellings facing one another with a highway in-between and thus I do not consider it to be detrimental.

There are no new upper floor windows to the building that would impact upon the privacy of existing dwellings.

Plots 9 to 13

A row of 5 two storey terraces would be located broadly parallel with the eastern site boundary. The rear of the proposed terraces would be located between 5.6m and 6.4m from the eastern boundary which consists of the blank (single storey) rendered wall of the adjacent funeral outbuilding for much of the boundary. There would therefore be no unacceptable overlooking towards the east.

The northern side gable end is located c2m from the northern boundary. No. 1 Lindum Mews, part of a one and a half storey row of Mews dwellings lies approximately 1.5m from the boundary and the proposal would therefore be c3.5m away. I note the presence of a side window at first floor level (to the west of the ridge) within No. 1 Lindum Mews. This is clear glazed and may serve a bedroom. Plot 13 (the end terrace) has been sited such that this is staggered slightly away from the western elevation of No. 1 by 1.4m and projects out by 1.2m beyond its eastern elevation

where the private gardens appear to be located. There are no openings proposed within the northern side boundary and consequently there would be no overlooking to the north. Given that the existing window to No. 1 is off-set and the end terrace is also off set, I consider that the impact upon the occupier will be minimal. The occupier of No. 1 would have a view of terrace frontages, grounds and overbearing impacts would be diminished even taking into account the ridge height of 7.37m and the slightly lower land levels of the existing Mews. Finished floor levels could be controlled by condition to ensure that this remains acceptable if the application were to be approved.

The southern side gable of this terrace block (Plot 9) again proposes no openings to avoid overlooking. This would be located c13.6m from the rear elevation of No. 7 The Close to the south and c15.3m from the rear elevation of No. 6 The Close. I consider that these distances together with the positioning (whereby the gable would straddle the boundary between the existing dwellings) is adequate in order to avoid an unacceptable impact from overbearing and loss of light.

The distance from the first floor windows of the terraces to No. 21 Lindum Street is c22m and is slightly oblique such that I consider it would be acceptable to avoid any unacceptable loss of residential amenity.

Plots 14 to 16

There are 3 dwellings proposed to the north-western corner of the site arranged in a corner L plan form.

Plot 14 is single storey and would be sited between c4.6m and c5.2m from the northern boundary. The dwelling immediately adjacent to the northern boundary here is No. 21 Lindum Street, a two storey Victorian terrace that has its blank side gable facing the application site. Given this dwelling is single storey, I consider that the impacts on the neighbour are acceptable in terms of overshadowing and loss of privacy etc. I do consider however that if minded to approve a condition should be imposed to remove permitted development rights in respect of alterations to the roof to safeguard the amenity of the neighbour.

Plot 15 is two storey and is located c6.2m from the northern boundary with No.21. The majority of Plot 15 would face the blank gable of no. 21, however c2.8m of it would project beyond the main rear elevation wall and be located c7.6m from the blank elevation of its two storey rear offshoot. Having carefully considered the relationship, I am satisfied that this is acceptable and would not amount to an unacceptable loss of amenity through overbearing and loss of light. The internal layout has been amended to remove one of the bedroom windows that would have directly overlooked the yard of the adjacent neighbour such that a bathroom window (which could be obscure glazed and non-opening controlled via condition) now replaces it which negates any loss of privacy.

Plot 16 is proposed to have a blank side elevation facing west towards No. 26 Lindum Street (a bungalow) in order to avoid direct overlooking. I do not consider that this would cause any unacceptable impacts such as overbearing upon the adjacent properties given its orientation and distances to existing dwellings. The northern (rear) elevation of the proposed plot would face partly onto the blank gable of No. 21 Lindum Street and the street itself. Whilst oblique views from the first floor bedrooms would be possible of a small part of the parking area and access of No. 26, this is not the private amenity space that the bungalow currently enjoys. Likewise oblique views may be possible of the frontage of No. 24 Lindum Street but I find that the relationship is not

dissimilar existing ones (for example No. 21 and 24 which front either side of Lindum Street). Consequently I do not consider there would be any adverse impacts upon the amenity of neighbours that could sustain a reason for refusal.

Having carefully considered the impacts upon amenity arising from this development I find that the proposal is satisfactory and in accordance with DM5 of the Development Plan.

Flood Risk

Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies in Flood Zone 1 which is at lowest risk of flooding but is within an area prone to surface water flooding. The application is accompanied by some Flood Information showing the site is at low risk of surface water flooding. No flooding is shown on the site during the high or medium risk events, only the low risk event (which is actually low probability and not low risk) and there is no development proposed within this area of the site, and the proposals are not likely to impact on the surface water flooding shown to the surrounding areas. The Lead Local Flood Authority have stated they do not wish to make comments given its low risk of flooding. I note that representations from local residents have raised surface water drainage as an area of concern. However I am satisfied that in the event of an approval a condition could be imposed to deal with surface water disposal. Subject to this, I consider the proposal would accord with CP9, CP10 and DM5 of the Development Plan.

Impacts on Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application has been accompanied by a Protected Species Survey which has surveyed the existing building and its extensions for bats and nesting birds. This concludes that whilst the main building has a number of features of potential interest to bats, given its location, only light tolerant species such as Pipistrelle are likely to be regularly foraging around this location and as such it is considered to have 'low roost potential'. There was no evidence of bat activity found either within the building or outside. The extensions (which are to be demolished has a 'negligible roost potential'. The emergence survey confirmed that Pipistrelle bats observed are unlikely to have emerged from a roosting point in close proximity to the survey area.

The Survey suggests that if permission is granted, that the works to repair the soffits of the main building should ideally take place outside of the bat activity season as a purely precautionary measure. It also suggests that if such work does have to take place during the 2018 bat activity season it is recommended, once again as a purely precautionary measure, that the soffits should be inspected by a licensed person who can use an endoscope to inspect any deep areas within the remaining soffits once scaffolding has been erected. I am satisfied that these recommendations along with ecological enhancements could be secured by condition. Subject to these I consider that the proposal would accord with the Development Plan with regards ecology impacts.

Developer Contributions and Viability

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This 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. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

In terms of the starting point, the contributions that would ordinarily be sought are as follows:

Affordable Housing

Core Policy 1 provides that for schemes of 11 or more dwellings, 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. A scheme for 16 dwellings would require 4 affordable houses on-site to meet the 30%.

In Newark there is need for 2 bedroom affordable dwellings as well as one bedroom affordable units. Given the nature of the development it is unclear as to whether a registered provider would take units on the site and an off-site contribution was likely to have been sought, albeit the viability issues (discussed shortly) means that this has not been progressed. No affordable units are being offered as part of this proposal.

Provision for children and young people

As a development of 16 dwellings, this application would normally need to make provision for public open space at 18m² per dwelling (288m²) as set out in the Developer Contributions SPD. As none is shown on the layout nor indeed would it be appropriate to, it would be expected that a financial contribution should be provided in lieu of this which would be spent to upgrade the existing parks in the area, the nearest of which is a short walk away to the south-west. This is based on £927.26 per dwelling based on 2016 indexation equating to £14,836.16.

Community facilities

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. The Community Projects Manager has advised that such a contribution should go towards the Sherwood Avenue Pavilion in order to help with widening the appeal of this building (through creating a kitchen facility and possible extension)

during the daytime and outside of the bowling season for social purposes and refreshments. I consider that this is justified and is apt given that it would go towards sustaining a facility that could fill any void that the loss of the former working men's club may have left. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling equating to a maximum of £22,145.12.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and have confirmed that a development of 16 dwellings would yield an additional 4 primary places. Each primary school place costs £11,455 based on their methodology which is set out in the SPD and thus a primary education contribution of £45,820 would be required to accommodate the additional pupils projected to arise from the proposed development. **At pre-application stage NCC advised that a primary education contribution would be sought. However they have since confirmed that as the schools in the locality have capacity to accommodate the pupils arising from the development no contribution would be sought.** In terms of secondary education the development would be covered under CIL regulations.

Libraries

The trigger for library contributions has now been raised and would not be applicable to this scheme.

CONTRIBUTION	Policy Requirement
Affordable Housing	30% on-site provision (equating to 4 x 2 bedroom units)
Children's Play Area	Provision either on-site (at a rate of 18m ² per dwelling) or by financial contribution based on £927.26 (indexation 2016) equating to £14,836.16
Primary Education	£45,820 to provide 4 additional primary places (at £11,455 per place) None required.
Community Facilities	Financial contribution based on £1,384.07 per dwelling (2016 indexation) equating to £22,145.12
TOTAL	4 x affordable houses on site plus £82,801.28

Viability

The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPG makes clear that this policy on viability also applies for decision taking and makes clear that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

A Viability Case has been submitted that seeks to demonstrate that the scheme cannot afford to contribute to any of the normal expected developer contributions as doing so would render the scheme unviable. The Council has commissioned an independent expert to provide independent advice to the Council in respect of viability. Their advice to the Council is contained within the consultation section of this report.

Members will note that our Independent Viability Assessment concluded that the development cannot not afford to pay any of the requested developer contributions. It is noted that a nominal positive margin of £4,784 exists. This could not deliver any of the infrastructure needs of the development albeit it could be put towards off-site affordable housing in the Newark area given that this contribution can be pooled and spent through the Councils own programme of works in delivering affordable housing. The applicant has stated they are willing to offer this and has instructed solicitors to prepare a Unilateral Undertaking to enable this contribution to be secured. On the basis of the advice received I am satisfied that the applicant has demonstrated that the scheme is unviable if contributions above £4,784 are sought.

Other Matters

Bin Store/Collection Area

The applicant was asked to consider the refuse/bin collection arrangements that could come forward with their scheme at pre-application stage. The layout plan shows the provision of a bin storage area (for the apartments) adjacent to the garage court of The Close. Whilst this does not appear to be sufficient to accommodate potentially 16 bins associated with the apartments, I am satisfied that there is sufficient space to enable a scheme to be provided for, which could be controlled via condition. Storage of bins for the new build properties would be within their own plot curtilage.

The applicant has advised that the bins for the dwellings would need to be taken to the roadside on bin collection days as there is insufficient turning space to allow a refuse lorry to manoeuvre within the site. There are now two potential roadsides where the bins could be taken (Lindum Street through the new pedestrian access and Beacon Hill Road) thus dispersing the number of bins that would be on the roadside on collection day. I am therefore satisfied that a suitable solution for this could be found in the event of an approval.

Planning Balance and Conclusion

Members will note from the appraisal above that in this particular case there are many material planning considerations to balance in coming to a final view. This site is located in a very

sustainable location being on the fringe of the town centre and within the Newark Urban Area. The building forms a Grade II listed building which is of significance nationally by the very nature of its designation which is currently vacant and in a vulnerable state.

The proposal would bring back into active use of this heritage asset and bring about a number of heritage benefits through being able to secure restoration of lost features within the building and improve the setting the building through the demolition of inappropriate, ugly extensions and their replacement with more appropriately designed new dwellings which better complement the building and its setting. I am also satisfied that the level of new build development is the minimum required through cross subsidy in order for the scheme to be financially viable with the developer accepting a reduced profit in order to bring forward the proposals. Clearly as professional officers, we would want to see the listed building restored and retained with a viable and long term used in place.

However these heritage benefits need to be carefully balanced against the highway concerns and the fact that this scheme cannot afford to pay the necessary and appropriate contributions towards primary education, affordable housing, community facilities or children's open space. I take the view that the heritage benefits and the need to secure a viable future use of the listed building should take priority in this particular instance over the inability of the scheme to pay towards the infrastructure impacts of the proposal, albeit I say that with some caution with respect to education and affordable provision (I consider there is sufficient provision within Newark to largely absorb the impact of the scheme for community facilities and open space). **As noted above the contribution requested towards two bus stops is not considered to be CIL compliant in any event.**

In terms of the highway safety harm, Members will note the firm view of NCC that the scheme would be harmful to highway and pedestrian safety even taking into account the fallback position through the increased use of what is accepted is a sub-standard access. However it should also be noted that a new use must be found for this building in order to retain this valuable heritage asset and that any such use would likely have issues with its access, albeit it is an access that has been used previously for years without incident for greater activity than is now proposed.

Notwithstanding my concern that the highway refusal reason is debatable in an overall planning balance, as highway experts I do give great weight to NCC's objection. On a very fine balance, I conclude that this just amounts to a determinative material consideration. On this basis I recommend refusal.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In accordance with the current Highway Design Guide (6C's), for this number of dwellings an access is required to have a minimum width of 5.8m (4.8m minimum width with 1m added as the access is bounded on each side). The existing/proposed access is considerably less than this. This would result in the situation where a vehicle would turn into the driveway to meet an egressing vehicle. This would lead to reversing/manoeuvring from the access driveway onto Beacon Hill Road to wait for a clear passage along the driveway, increasing the likelihood of vehicular/pedestrian conflict and danger. There are no footways or lighting along the length of the driveway and as such is unsuitable for pedestrian activity and to provide these would further

reduce the already sub-standard access. Furthermore there is also concern that the scheme would not provide for sufficient on-site parking. Consequently the development would likely further increase on street parking in the vicinity resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway. In the opinion of the Local Planning Authority the proposal is therefore contrary to Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy Adopted March 2011 and Policy DM5 (Design) of the Allocations and Development Management DPD Adopted July 2013 which together form the Development Plan. There are no material planning considerations that outweigh the harm identified.

Informative

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

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

Background Papers

Application Case File

For further information, please contact **Clare Walker** on Ext **5834**.

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

Matt Lamb

Business Manager for Growth and Regeneration

Committee Plan - 18/00125/FULM

