

APPENDIX 1

Newark Town Council – *Comments in respect to revised retention plans received 16th July 2018:*

No Objection was raised by the Chairman, Cllr Mathew Skinner, to the above applications.

Original comments received 28th June 2018:

Cllr D Lloyd said that he was speaking on the merits of this application and would not speak on any issues relating to the Robin Hood Hotel that had occurred in the past or any subsequent issues.

He added that this was an improved design and a better application than the previous proposals. It was more sympathetic to surrounding properties. The incorporation of leisure provision was a further enhancement as was the 24 hour opening of the NCP car park.

Cllr D Hyde felt that this application was a big improvement on the previous one.

Cllr S Haynes said that he thought this was an improvement and was pleased to see that Nottingham Building Preservation Trust were now supportive of the application.

Members were pleased to see this new application incorporating the original Georgian façade of the building. It was felt that the application was much improved on the previous one and that the proposed application would reflect the buildings opposite and be sympathetic to the surrounding area. It was felt the leisure units would complement the hotel rather than just retail units. The contractual arrangement with the NCP to be open 24hrs a day would also provide a positive impact on the town centre retail economy.

Members would welcome more hotel accommodation within the town, making it easier for people to find overnight accommodation when attending Festivals etc.

IT WAS DECIDED NOT TO OBJECT TO THIS APPLICATION.

Newark Town Council's Planning Committee Meeting - 27.6.18.

NSDC Conservation - Many thanks for consulting Conservation on the above proposal.

Introduction

The former Robin Hood Hotel is Grade II listed.

The proposal site is located within Newark Conservation Area (CA) which was originally designated in 1968. There are a number of other listed buildings nearby on Lombard Street, including 6 & 6A, 8 (8A and 8B), 10, 12, 21, as well as 39-41 Carter Gate, the former Mail Coach PH on London Road and the former office range at Castle Brewery

Legal and policy considerations

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. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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 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). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (HEGPAP; notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local

planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 16, 66 and 72 of the Act). The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Significance of heritage asset(s)

The Robin Hood Hotel

The former Robin Hood Hotel was originally designated on the 19th May 1971 (list entry number: 1297717). The list entry, which was revised in August 1992, includes the following details:

"3 houses and public house, now an hotel and shop. Early C18, late C18, early and mid C19, with late C19 and early C20 additions and alterations. Colourwashed brick and render, with slate and concrete tile roofs. Early C18 central block has steep pitched slate roof with single ridge stack. Plinth, first floor band, gutter brackets, single coped gable. 2 storeys; 5 window range of 12 pane sashes. Below, 4 plain sashes. Late C18 block to right has first floor band and dentillated eaves. 2 storeys; 3 window range of segment headed 12 pane sashes. Central early C19 Ionic stucco surround to moulded doorcase flanked by single segment headed plain sashes. To right again, late C19 addition, colourwashed brick with stone dressings. First floor band, eaves cornice and parapet, with side wall stack. Segment headed plain sashes, those to ground floor with keystones. 2 storeys. Angled corner with 3 windows on each floor. Right return has 8 windows, the 3 to left being smaller. To left, mid C18 block has incomplete first floor band, eaves band, cogged and dentillated eaves and single gable stack. 2 storeys; 3 window range of segment headed 12 pane sashes. To left, late C20 shopfront, and to right, a segment headed plain sash. To left again, mid C19 addition in 3 blocks. Stucco dressings, chamfered quoins, first floor band, 2 side wall stacks. 2 blocks to right have parapets. Single and 2 storeys. Right block has 2 small plain sashes and below, C20 shopfront. Single storey central block has a pair of

carriage doors flanked to right by 2 plain sashes. Left block has moulded eaves and hipped roof with hipped clerestorey. 3 window range of C20 single pane windows. Below, C20 door to right. Interior refitted mid and late C20. Part of the building was formerly listed as 3 Lombard Street, PRN 619-0/3/108.”

The former Robin Hood Hotel appears to have originally been three town houses, and it is quite possible that there are older remnants of medieval or post-medieval timber frame form within at least part of the complex as is typical of many historic buildings within the town that were remodelled in the 17th and 18th century.

The first historic reference to the Robin Hood as a public house is 1781, and it is assumed that the three townhouses had been adapted into one by this point. The buildings can be understood on a 1790 survey plan when occupied by Mrs Brough and Mrs Mough with service elements probably including stables, brewery and kitchens. In 1832, the site is recorded as an inn run by John Allen. In 1852, the site was sold as part of a lot which also included the Newark Theatre, and there is reference to the ‘Newark Club’ within the Robin Hood Inn Yard. By the 1870s, the site had been much expanded, and now included stables and extensive outbuildings. Late 19th century County Series maps show a brewery and two malshouses behind the main range (the Robin Hood brewery was owned by John Smith Caparn and in 1879 moved to the Castle Brewery on Albert Street which he owned with Douglas Hankey).

The Robin Hood was extensively remodelled in the early 20th century. The distinct Edwardian phase can be understood following the removal of various 19th century additions and the creation of a new two-storey 11 bay wing that included extensive internal remodelling (wood panelling etc).

The Hotel was expanded further during the post-war period, with further extensions. The external masonry was also painted during this period. The Hotel closed in 1999 and has significantly deteriorated since then.

Newark Conservation Area

Newark Conservation Area (CA) was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added. Further parts of Lombard Street were included in the 1979 amendments, but Beaumont Cross formed part of the original designation (including the Robin Hood Hotel complex).

The Lombard Street character area forms the southern edge of Newark’s historic core, stretching from the intersection with Castle Gate to the area where the Beaumont Cross once stood at the historic junction with London Road. It is known from documentary sources and excavations that the medieval town defences enclosed roughly a square area of which Lombard Street formed the southern boundary. It is thought that these defences were built along with the castle after the Conquest in the late 11th century. The name Potter Dyke (now Lombard Street) is first recorded in

1331 and reflects its position over the south line of the 'town ditch'. Several excavations showed that the line of the wall lay directly under the line of the modern property frontages.

Other than the medieval town defences, there is limited evidence of extensive activity on Lombard Street before the 16th and 17th century. Mapping from 1646 reveals that Lombard Street is a prominent roadway within the main town defensive ring.

Chapman's Map of Nottinghamshire 1774 and Attenburrows's 1790 Map show that Lombard Street had buildings on both sides of the street. In particular it is noticeable that on the north side of the street there are narrow burgage plots running perpendicular from the Market Place with extensive yards to the rear and buildings fronting Lombard Street. On Woods 1829 Map, it can be seen that to the south the street was not as densely developed as the north with a large open space belonging to the Duke of Newcastle. Also on this side of the street were two significant buildings set in large grounds. The first known as Potterdyke House, is a significant town house which dates from the mid-17th century and has been re-fronted in the 18th century with subsequent alterations. The second polite building is known as Lombard House, and originates from the late-18th century. Other buildings of interest at this time are identified on Wood's Map, notably the Johnsonian Chapel on the southern side of the road (which has since been demolished) and on the north side of the street is the distinctive Independent Chapel built in 1822 and designed by W. Wallen in a classical revival style (this building is now an antiques warehouse).

Also marked on the map at the junction where five roads meet is the area known locally as the Beaumont Cross, an association which dates from as early as the 14th century and is the former site of Beaumont Cross. The original Beaumont Cross consists of a medieval stone socle (a type of stone base) and shaft which stands on four octagonal steps (which are a more modern addition). The origin of the Cross is not known but it has been suggested that it may have been an Eleanor Cross, erected between 1291 and 1294 by King Edward I in memory of his wife Eleanor of Castile, marking the nightly resting places along the route taken by her body as it was taken down to London. However, another theory suggests that the Cross is a memorial to Viscount Beaumont, erected by his widow following his death at the Battle of Towton in 1461. The Cross otherwise formed a distinctive boundary marker at the crossroads. The Cross underwent significant renovations in 1778 and again in 1801, which included the addition of conical stone cap and weather vane. In more recent years, railings were erected around its base (presumably to protect it from the increasing traffic levels at the junction) and more significantly, in 1965 it was moved to its current position in Beaumont Gardens on London Road.

The Robin Hotel is an important focal building in this context. Beaumont Cross was certainly a significant junction at the time that the Robin Hood buildings were constructed. Development on Lombard Street continued throughout the 19th century. Christ Church was built on the north side of the road, being designed by J. D. Paine in 1836. In the early 20th century, a bus station was opened to the rear of the Robin Hood Hotel. This remained the case until the 1960's when the bus station was relocated to its current position.

By the late 1960's, demolition had taken place on the north side of Lombard Street to reveal backs of buildings and hotel yards, and a large open area was became used as car parking. During the 1970's,

this car-park area was redeveloped and the St. Marks Shopping centre was built which incorporated shops and a multi-storey car park.

The Potterdyke redevelopment began in 2010, and the large, modern buildings forming ASDA and the medical centre on Portland Street. Combined with the modern car park on the opposite side of the road, modern development has had a massive impact on the street. Nevertheless, the enclosure of the road and remnants of historic buildings and cottages renders the roadway an important part of the CA, culminating in the focal area of Beaumont Cross.

Current condition of the Robin Hood Hotel

Today, the former Robin Hood can be split into three different buildings (labelled A, B and C from east to west). The central building (B) is the oldest and originates from at least the early 18th century. The building closest to Beaumont Cross (A) was built next, followed by the most westerly building (C). Building A comprises a 2 and a half storey red brick townhouse. The masonry is constructed in Flemish bond (painted) and there is a crude 20th century shop front in the left 2 bays. The façade includes a stone plinth, string course, dentilated eaves and windows have brick arch headers and stone cills. The roof is covered in modern concrete tiles, and there is a brick stack in the left gable. The central building (B) is 5 bays, being 2 storeys with stone ashlar affect render, stone plinth and brick string course. The slated steep roof pitch and central ridge stack evokes older post-medieval building form. The western building (C) is a three bay, 2 storey structure built in red brick (Flemish bonded) and has a slate roof. The west gable includes the remnants of a 2 storey 1923 extension that is flat roofed with parapet and a wall stack. There is a lantern light in the flat roof over an internal stair. There is a flat lantern light mid-way between buildings B and C on the rear flat roof addition, also above an internal stair. The Lombard Street façade of building C includes a central double door with moulded Ionic pillars.

Most of the extensive rear additions and service elements from the 19th and 20th century were removed during the recent Potterdyke redevelopment. The remaining building group is in parlous condition, and since closing in the late 1990s, the Robin Hood has suffered from neglect and lack of usage. Slipped tiles and damaged windows have been left unrepaired, with dilapidation increasing through internal rot, pigeon infestation, vandalism and in more recent years, severe water ingress from the two lantern lights at the rear. The consequence of the water ingress has rendered the two internal staircases unsafe. The demolition of the rear service elements has contributed to the unappealing appearance of the historic building range with crude scars highly visible to footfall into the retail area behind.

In November 2012, the Planning Committee resolved to discharge a condition attached to the listed building consent associated with the Potterdyke redevelopment (reference 07/01461/LBC) which agreed the extent of building fabric to be both retained and demolished in the former Robin Hood Hotel (this condition required a detailed schedule of repairs and a method statement for undertaking the associated works). Following referral to the National Planning Casework Unit (who decided not to call the application in for determination by the Secretary of State) the condition was discharged on 11th December 2012, allowing large parts of the former hotel to be demolished with the façade retained and incorporated into new build units to its rear. Although lawfully commenced, this scheme has not been significantly progressed.

Despite their dilapidated condition and modern 20th century interventions, the buildings retain much of their 18th century identity when seen from Lombard Street and Beaumond Cross. In addition to their townhouse form, architectural interest is expressed in the masonry, joinery design (including headers), string courses and dentil detail. In addition, internal interest can still be derived from the plan-form of the buildings (notably in upper floors) and elements of surviving fabric. The cellars are also of interest, and the uncovering of part of a cruck structure in building A alludes to post-medieval significance.

The most up-to-date condition assessment of the Robin Hood was undertaken in 2015 by the Notts Building Preservation Trust. As well as a detailed description of the building's significance, the report incorporates a condition report and structural survey. The structural report (prepared by William Saunders) advises that the property is suffering badly from water ingress to all areas resulting in the following defects:

- Approximately two-thirds of the principal listed building has a timber suspended floor at ground level, and most of the timber boarding and joists are rotten;
- All of the first floor timber boarding, joists and beams are showing signs of extensive rot and decay, with evidence of dry rot and wet rot visible. It is assumed that second floor timbers and roof timbers are similarly parlous;
- The two staircases leading to upper floors have both partially collapsed due to timber rot and decay;
- Structural steel beams at ground floor level show extensive corrosion and delamination;
- External masonry appears to be in a reasonable state with no visible evidence of settlement or distress. Some isolated timbers in the exposed masonry on the east side and rear is showing signs of rot and decay.

The structural report made a number of recommendations, including urgent works. Acrow props have been installed throughout the internal ground floor areas as a result, and temporary timber boarding to key openings for security. Efforts have been made to cover the lantern lights.

Overall, the report found that the masonry walls were generally sound and can be retained provided that remedial works were carried out to remove isolated timbers built into the external walls (and then made good with matching bricks) and that any areas of fungal infection be identified and treated. However, all floor, roof and stair case timbers would need to be fully replaced, and all steel beams would need to be replaced (or load bearing walls reinstated).

The exterior of the former Robin Hood has been regularly inspected since it was first identified on the County Buildings at Risk Register in 2004. The Council served a Section 215 Notice which commenced in January 2017 requiring extensive repair works to the exterior of the building, ranging from vegetation removal, repairs to the masonry, roof, joinery and rainwater goods. Other than some removal of vegetation, the Notice has not yet been complied with.

An application to completely demolish the building and replace with a Travelodge hotel was submitted in 2016 (ref 16/00914/FULM). The scheme was approved at Planning Committee but was subsequently called in by the Secretary of State. The proposal was withdrawn earlier this year before it reached Public Inquiry.

Assessment of proposal

The proposed scheme is to partially demolish the listed building and redevelop the site to provide a 66 bedroom Travelodge hotel and 3 flexible units for Class A1, A2, A3 or D2 uses.

We welcome the withdrawal of the previous proposal to completely demolish the listed building.

It will be for the decision-maker to conclude whether there is a clear and convincing justification for the demolition now proposed, but we nevertheless recognise the lawful fall-back position of the 2012 façade retention approval. The submitted scheme retains more of the listed building range than that permitted in 2012, but inevitably includes an extent of demolition at the rear to address perceived structural issues and facilitate operator requirements. A number of meetings have been held with the applicant and Historic England to discuss conservation matters, including the extent of historic building fabric retention and the impact of new build on the setting and significance of the listed building. The submitted scheme, including the recent amended plans clarifying the extent of historic fabric retention, broadly reflects those discussions, including acknowledgement that rooms within the former Robin Hood need not be standard, and that elements such as the cellars should be retained. The retention of plan-form within upper floors, notably building C, is welcomed. Nevertheless, the scheme would be improved by retaining other walls wherever possible, including the ground floor cross wall in building A (even with new openings punched through, this would enable the historic plan-form to be remain legible).

Subject to precise details on the schedule of works planned for the remaining fabric of the Robin Hood, notably the methodology for repairing/replacing historic fabric, we are content that this could be conditioned on the grant of any approval. External works to the façade will be critical, and we fully expect appropriate conservation-led renovations to existing joinery. Colour washing masonry as proposed is acceptable (there is historic precedence for this dating back to the Edwardian period). Ultimately, the repair and renovation of the façade walls, joinery and roofs with appropriate materials and specifications will better reveal the significance of the listed building and make an improved contribution to the street scene. The replacement shopfront in Building A is welcomed, although a recessed central doorway would be preferred, matching the early 20th century treatment (see image attached).

We feel that the overall mass and scale of the new build responds appropriately to the rest of the Potterdyke redevelopment. The flat roof component is not naturally a positive architectural feature in this kind of context, but it is recognised that this helps reduce the impact of the main hotel wing directly on the listed building, with taller elements on New Street and the western boundary. The Lombard Street elevation has appropriate activity and detailing at lower levels, although further details will be required on facing materials, shop front design and the parapet section.

Overall, we find the demolition works to be significantly harmful but accept that there are contextual arguments concerning building condition, economic vitality and specific justifications for alterations based upon operator needs. We do not find the new build to be harmful to the setting of listed buildings or the CA in this case.

The PPG reminds us: “Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”

In this case, the decision-maker needs to be satisfied that public benefits decisively outweigh the significant loss of historic building fabric. Harm of any type, irrespective of scale, is contrary to the objective of preservation required under section 16 and 66 of the Act. In accordance with paragraph 132 of the NPPF, harmful development should be refused other than in exceptional circumstances. Case law provides some clarity on this issue:

R (Lady Hart of Chiltern) v Babergh District Council [2014] EWHC 3261 (Admin), Sales J

“The NPPF creates a strong presumption against the grant of planning permission for development which will harm heritage assets, requiring particularly strong countervailing factors to be identified before it can be treated as overridden” [14]

R (Pugh) v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin), Gilbert J

“Mr Harwood points out that paragraph 132 uses the phrase “clear and convincing justification.” It might be thought difficult to be convincing without being clear, but it seems to me that the author of NPPF is saying no more than that if harm would be caused, then the case must be made for permitting the development in question, and that the sequential test in paragraphs 132-4 sets out how that is to be done. So there must be adherence to the approach set out, which is designed to afford importance in the balance to designated heritage assets according to the degree of harm. If that is done with clarity then the test is passed, and approval following paragraph 134 is justified.”

R (Pugh) v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin), Gilbert J

“Like Judge Waksman QC in *Hughes v South Lakeland* , in my view paragraph 134 of NPPF can be a trap for the unwary if taken out of context. I agree with his approach that the significance of a heritage asset still carries weight at the balancing stage required by paragraph 134, and to the extent that Kenneth Parker J in *Colman v Secretary of State for Communities and Local Government & Ors* [2013] EWHC 1138 and Jay J in *Bedford Borough Council v SSCLG* [2013] EWHC 2854 suggest otherwise, I prefer the approach of Judge Waksman QC. Thus, the value and significance of the asset, whatever it may be, will still be placed on one side of the balance. The process of determining the degree of harm, which underlies paragraph 132 of NPPF, must itself involve taking into account the value of the heritage asset in question. That is exactly the approach that informed the Addendum Assessment upon which Mr Harwood relies. The later assessment also addressed the value of the asset, and then the effect of the proposal on that value. Not all effects are of the same degree, nor are all heritage assets of comparable significance, and the decision maker must assess the actual significance of the asset and the actual effects upon it.

But one must not take it too far so that one rewrites NPPF. It provides a sequential approach to this issue. Paragraphs 126-134 are not to be read in isolation from one another. There is a sequential approach in paragraphs 132 -4 which addresses the significance in planning terms of the effects of proposals on designated heritage assets. If, having addressed all the relevant considerations about value, significance and the nature of the harm, and one has then reached the point of concluding that the level of harm is less than substantial, then one must use the test in paragraph 134. It is an integral part of the NPPF sequential approach. Following it does not deprive the considerations of the value and significance of the heritage asset of weight: indeed it requires consideration of them at the appropriate stage. But what one is not required to do is to apply some different test at the final stage than that of the balance set out in paragraph 134. How one strikes the balance, or what weight one gives the benefits on the one side and the harm on the other, is a matter for the decision maker. Unless one gives reasons for departing from the policy, one cannot set it aside and prefer using some different test.” [49-50]

In this context, we recognise that the circumstances in which we consider the proposal before us are far from normal, and indeed exceptional. The 2015 condition survey assumptions on extent of fabric decay throughout the range (particularly timber condition) and the acceptance by Historic England in the very least that the structures in two of the three main roofs likely require rebuild, suggests that even the most optimistic conservation-led redevelopment will require significant intervention. In addition, we find that the extent of alteration and demolition already carried out to the range both during the 20th century and following the original Potterdyke redevelopment approval over 10 years ago has impacted on the older significance of the Robin Hood. The open ground floor areas, areas of scarred masonry and crude steel beams are testament to these phases.

Notwithstanding current efforts to secure repair works through a Section 215 Notice, the submitted proposal appears to be viable, and subject to securing a signed contract, likely to occur in a reasonable timeframe, thus realising redevelopment in a timely fashion.

Overall, we take the view that the demolition works now proposed are not necessarily going to result in substantial harm. This is not entirely clear as we do not have a detailed schedule of works to consider beyond the aspirations indicated in the amended extent of demolition plans, but it is possible that a conservation-led approach to repairs and renovations on the external skin of the

range, as well as optimal renovation and salvage approaches to the remaining architectural components such as the timbers in the roofs could fall within the less than substantial harm bracket.

If the scheme was approved, therefore, the following matters will need to be conditioned on the listed building application in conjunction with standard model conditions:

- No works of demolition shall begin until a binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents in accordance with para.136 of the NPPF.
- Before work begins a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority. *Justification: This condition is to ensure that follow-up action can be taken before works begin on site. This is a complex scheme where there will be a number of other conditions, and where planning permission has also been granted.*
- Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.
- Before the commencement of works, an updated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - the areas of masonry to be demolished;
 - a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction;
 - the arrangements for temporary secure storage of salvage materials; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal; and
 - a detailed methodology for the repair and renovation of the building fabric to be retained.

Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic timber beams, joists and rafters. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. The agreed measures shall be carried out in full.

- During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the District Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be

notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

- A programme of historic building recording and full recording report shall be submitted to and approved in writing by the Local Planning Authority before work commences. Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

In addition, conditions will need to address all aspects of the new build (joinery schedule, masonry construction and facing materials), as well as replacement roofing materials on the listed building range. All external accretions, including rainwater goods, vents and other elements will need to be agreed. Notwithstanding the submitted details, full technical drawings are required for all new shop fronts, along with further details on the parapet along Lombard Street, the feature glazing in the new hotel entrance and the precise finish of all external finishes.

Historic England – Original comments received 29th June 2018:

Thank you for your letters of 4 June 2018 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

Summary

The Robin Hood Hotel, containing three 18th century former houses fronting onto Lombard Street is listed Grade II as a building of national importance on the list of buildings of special architectural and historic interest. It also lies within the Newark Conservation Area. The significance of the listed building is most evident in the surviving fabric of the three front buildings - the elevations, internal historic structure and plan form (where it survives), roof form and structure, and historic fabric – which reflect the earlier form and changing nature and use of the buildings.

The proposed scheme is to partly demolish the listed building and redevelop the site to provide a 66 bedroom Travelodge hotel and 3 flexible units for Class A1, A2, A3 or D2 uses.

We welcome the fact that previous applications to completely demolish the listed building have been withdrawn and that consideration is now being given to retaining more historic fabric. However because the applications do not definitively say what historic fabric would in fact be retained, Historic England considers that the scheme as currently proposed would result in substantial harm to the Grade II listed building through the loss of historic fabric and its contribution to the building's significance. This could result in façade retention only to which we have previously objected. Matters such as the retention of large degrees of historic fabric, the loss of which would amount to the upper end of harm or substantial harm, should not be left to conditions - an approach which we have been consistent in objecting to. We do not consider that the degree of loss of historic fabric is justified, particularly given the fact that there are no signs of on-going structural movement.

In terms of the external appearance of the three front buildings, we support in principle the proposed scheme which, we understand, seeks to repair and retain the historic form and appearance. We consider that in terms of mass and scale the new build elements are an appropriate response to the site. Details and materials will be crucial to the success of this part of the scheme. Subject to our advice below on the external appearance of the listed building, we do not consider that the proposed scheme would be harmful to the character and appearance of conservation area or the significance that the other nearby listed buildings derive from their setting.

Our advice is provided in line with the National Planning Policy Framework (NPPF), particularly paragraphs 7, 17, 131, 132 and 133, the NPPF Planning Practice Guide, and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment*. As currently proposed the scheme has not met the tests in the NPPF. The loss of key elements of the building's fabric has not been shown to be necessary. It has not been shown that it is not possible to bring forward a scheme with grant funding or some form of charitable or public ownership, for example, which would retain significantly more internal fabric and historic character of the listed building and hence considerably more of its significance.

Historic England has concerns regarding the applications on heritage grounds. However, we consider that these concerns could be addressed as described below, including the retention of the historic fabric identified below without conditions. In which case, and considering the justification for the loss of some fabric, we consider that the level of harm to the significance of the listed building would be less than substantial and it would then be for your authority to weigh the harm caused against the public benefits of the proposal in accordance with paragraph 134 of the NPPF.

Your authority, the applicant and Historic England have worked hard recently to move away from a damaging scheme. Indeed following the consultation on the submitted scheme we have been in recent offline discussions with yourself and the applicant regarding clear retention of internal fabric which we believe are moving in the right direction. The primary stumbling block now is the appropriate use of conditions. We urge the applicant to further consider this approach in the light of our letter so that a scheme can be achieved that is acceptable to all which would be a beneficial outcome after many years of difficulties. We stand ready to help your authority and the applicant to deliver such a scheme and would be happy to advise your authority on appropriate conditions if an acceptable scheme comes forward as referred to above. In the event that during works questions arise as to whether fabric to be retained and not subject to conditions cannot in fact be retained (as may happen in any scheme for listed building consent) we would be happy to provide your authority with expert advice from our structural engineers and architects/surveyors as soon as possible on site so that appropriate decisions can be made at that stage.

If your authority is minded to grant consent for the LBC application in its current form, please treat this letter as an objection and notify the Secretary of State of the LBC application, in accordance with the above Direction.

Historic England Advice

Planning history

We have previously provided advice on a number of schemes at this site. As you are aware Historic England previously objected to an application in 2012 to discharge condition 3 of 07/01461/LBC which would have retained just the front façade and east gable end of the listed building. We advised that the proposals would cause substantial harm to the listed building. The discharge of condition application was referred to the Secretary of State. However the Secretary of State responded that the responsibility to discharge the condition rests with the local planning authority. It is clear that matters such as the retention of large degrees of historic fabric, the loss of which would amount to the upper end of harm or substantial harm, should not be left to conditions.

We most recently objected to applications for listed building consent and planning permission to totally demolish the listed building and replace it with new retail units and a Travelodge hotel. The Secretary of State called in the application. However the applications for total demolition were subsequently withdrawn by the applicant which was welcome. We most recently visited the site on 14 February 2018.

Significance

The Robin Hood Hotel is listed Grade II as a building of national importance on the list of buildings of special architectural and historic interest. Despite its current condition the building retains its significance. The Robin Hood Hotel lies within the Newark Conservation Area and within the setting of setting of Grade I listed St Mary Magdalene and nearby Grade II listed buildings. It is located on the southern edge of Newark town centre at the important Beaumont Cross junction of Lombard Street, Portland Street, Albert Street, Carter Gate and London Road.

Listed building

The Robin Hood Hotel contains three 18th century former houses fronting onto Lombard Street. The first known reference to the Robin Hood Hotel as a public house was in 1781. Extensive rear additions and service elements from the 19th and 20th century were mostly removed during the consented Potterdyke redevelopment.

The significance of the listed building is most evident in the surviving fabric of the three front buildings - the elevations, internal historic structure and plan form (where it survives), roof form and structure, and historic fabric - which reflect the earlier form and changing nature and use of the buildings. The buildings are routinely described as building A to the east, building B in the middle, and building C to the west.

The two storey (with an additional attic floor to the rear), five bay building B is the earliest, dating from at least the early 18th century, with a steeply pitched roof, now in slate, with coped gables and central brick chimney stack. It has surviving sash windows and previously had a doorway in the front elevation. The central chimney stack survives as part of internal walls on the ground and upper floors.

On the ground floor the juxtaposition of the chimney and former doorway give evidence of the earlier plan form. Other than the chimney stack and associated wall little historic fabric survives on the ground floor, though on the first and attic floors the party walls to buildings A and C survive as well as the rear walls and some internal walls. This historic fabric provides evidence of the form and scale of the building and the developing plan form as the building was adapted for new uses.

Building A was built later in the 18th century, probably in mid-century. It is also two storeys with a pitched roof and additional attic floor to the rear, and is three bays wide with a later 20th century shopfront on the front façade. It has a three surviving sash windows on the first floor and a former doorway to the right of the shopfront, where there is now a window. The surviving main internal walls on the ground and first floor provide evidence of the earlier plan form of the building. The triangular former entrance hall adjacent to building B demonstrates the constraints of erecting building A at an angle to the pre-existing building B, and former door openings reveal the changes to the building - one of which led off the entrance hall into what was probably a drawing room or parlour. The east façade also survives behind a later brick 'skin', a remnant of the later extensions now demolished. The rear wall of building A retains some historic fabric although there have been a number of later interventions. The second storey of the rear wall and rear dormer windows are a late 20th century intervention which is not of significance. There is evidence of at least one historic timber in the roof of building A, described as part of a cruck, which contributes to the building's significance.

Building C is the latest of the three 18th century buildings, also two storeys with a shallower pitched slate roof. Very little historic fabric survives at ground floor behind the front façade, although two wall 'nibs' extend back from the doorway and part of the party wall with Building B survives. At first floor the rear wall survives together with internal walls and the party wall with building B.

Whilst the ground floors of the three buildings have lost much, if not all, of their historic fixtures and fittings, the upper floors contain later historic fabric such as lath and plaster ceilings and skirting boards, which contribute to the significance of the building and demonstrate its later character and uses. As well as the noted historic timber roof element in building A, all three roofs contain historic timbers which may have been reused. All three front facades have had a colour wash on the bricks and/or coloured render. Historic detailing on the front facades survives including, variously, dentillated and cogged eaves on building A, eaves cornice, first floor bands, plinth, and gutter brackets. Buildings A and B retain historic cellars which contribute to the significance of the listed building and help demonstrate its former uses. Historic structural timbers also survive within, at least, buildings A and B which contribute to the buildings significance.

These survivals help to illustrate the historic value of the listed building as former town houses fronting a main route through this important urban settlement. Its historic associations deriving from its past use(s) are also of significance. The historic alterations which make evident the changes from three domestic houses and their use as a public house contribute to the listed building's significance

A key part of the building's significance also lies in its relation to the Lombard Street/Beaumont Cross streetscape, as part of the 18th-19th century development of this area and the transition of the three former town houses into a single public house. During the 18th and 19th centuries the triangular

development site was built up with cottages, shops and maltings along its frontages, with grander town houses on Lombard Street. The building is also important for the historical and architectural interest apparent from its commercial role as a roadside public house and hotel at a key junction in the communication routes through Newark and as part of Newark's brewing history.

Condition

The hotel closed in the 1990s and the buildings are in an obvious poor state of repair. Following our site visit of 14 February 2018 Historic England is of the view that buildings A, B and C show no signs of on-going structural movement. However, long term water ingress and severe timber rot in many localised areas to the rear of buildings B and C is very likely to have affected high level structural timbers including the rear roof structure.

Conservation area

Newark was one of the first towns in the country to be designated a conservation area, in 1968. Newark conservation area was designated for its special architectural and historic interest as an important, originally medieval market town that derives much of its importance from its location at the intersection of major routes: the River Trent; the Fosse Way former Roman road; and the Great North road. The part of the conservation area in which the Robin Hood Hotel lies reflects the extension beyond the medieval walls of the historic market town as part of a 14th century suburb. It expanded further during the 18th and 19th centuries with development built up along the key routes: Portland Street, Cartergate, Appleton Gate, Lombard Street and London Road. The latter two routes were, in part, developed as improvements to the Great North Road, with malting works and two and three storey houses evident, as well as grander houses on Lombard Street. Lombard Street forms the northern boundary of the site with Beaumond Cross to the east, beyond which is Carter Gate.

The Robin Hood Hotel is in a prominent position at this key medieval junction, Beaumond Cross, where the scheduled Beaumond Cross once stood, with key historic routes converging onto it: Lombard Street, London Road, Carter Gate and Portland Street. Post medieval buildings with the majority being domestic and from the 18th and 19th centuries front these routes particularly on Lombard Street reflecting the expansion during this period and how this area later changed to accommodate greater retail expansion, industrial premises and associated social uses including public houses. Many of the surviving buildings, some of which are listed, including the Robin Hood Hotel, illustrate the history of this area as it developed during the 18th and 19th centuries. The primary character of the area being one of domestic properties, with retail, industrial and social activity. The Robin Hood Hotel forms part of this historic development and clearly reflects the historic expansion beyond the medieval walls after the civil war.

The survival of the hotel contributes positively to the character and appearance of the conservation area and its significance despite its condition. If its condition was improved and it was used and maintained once more, it would further enhance the conservation area.

The proposed scheme

The proposed scheme is to partly demolish the listed building and redevelop the site to provide a 66 bedroom Travelodge hotel and 3 flexible units for Class A1, A2, A3 or D2 uses. Drawing J1565 (08) 113 Rev A (24 May 2018) is titled '*Historic fabric to be retained*'. However other than the front façades and the external gable end of building A, the fabric marked as being retained is noted as '*subject of planning conditions providing for further onsite assessment, as part of the construction process, of condition and location in relation to the proposed layout and approval of the local planning authority and their appointed structural engineer*'.

We welcome the fact that the applications to completely demolish the listed building have been withdrawn and that consideration is now being given to retaining more historic fabric. However because the applications do not definitively say what historic fabric would in fact be retained, Historic England considers that the scheme as currently proposed would result in substantial harm to the Grade II listed building through the loss of historic fabric and its contribution to the building's significance as described above. This could result in façade retention only to which we have previously objected.

Following the assessment on 14 February 2018 which concluded that there was no on-going structural movement, we consider that there is not sufficient reason to condition the retention of the historic structural fabric shown on drawing J1565 (08) 113 Rev A (24 May 2018). We remain of the view that the surviving historic ground floor cross wall in building A should be retained without conditions, albeit with openings to the reception and office, and historic structural timbers, including the limited number of surviving cross beams in the ground floor ceilings, should also be retained without conditions. As noted above, it is clear that matters such as the retention of large degrees of historic fabric, the loss of which would amount to harm or substantial harm, should not be left to conditions - an approach which we have been consistent in objecting to. We have previously referred to retention of the first floor cross wall in building A. We understand from recent discussions that retaining this wall would prevent use of a bedroom and accordingly we accept that there is justification for not retaining this wall on the first floor.

We cannot envisage a means of safely propping buildings B and C in order to retain the roof structure of these buildings. We therefore consider that it is highly likely that these roofs cannot be retained. It may also be that the rear wall of the upper storey of building B cannot be fully inspected or propped to ensure safety and it may also not be possible to retain it. We consider that building A can be safely propped and the significant elements of the roof retained. Further investigation of the significance of the roof structure of building A and the rear wall, which may contain historic timbers although there are large areas of infill, is likely to be possible and should inform final decisions on the degree of retention. Accordingly we consider that the degree of retention of the roof of building A could be conditioned on further assessment of the significance of specific timbers. The rear wall of building A

currently supports the roof so a decision not to retain the rear wall would also need to be justified by the provision of an appropriate alternative means of supporting the roof and thereby retaining it. The structural steel beams, particularly to the rear of the building, have suffered corrosion but we consider that they could be repaired and retained where integral to supporting historic fabric.

It would be helpful to also show in the application which elements are definitely not proposed to be retained with the remaining historic elements (i.e. those not shown to be definitely retained or definitely not retained) subject to conditions.

There would need to be an agreed methodology for recording historic roof structures in buildings B and C and other building elements that have to be removed, and for the reuse of significant elements where possible. Particular attention would need to be paid where historic timber framing below the roof structure may exist. Historic fabric internally, such as reed and plaster ceilings, should also be repaired and retained where they are in acceptable condition, particularly towards the front of the building where there has been less water ingress.

We do not consider a condition relating to layout to be acceptable. It falls to those applying for planning permission to accurately survey a building and design a new layout accordingly. This should be done pre-determination. Travelodge have a significant number of hotels in listed buildings, or which include listed buildings, and our understanding nationally is that Travelodge have incorporated non-standard rooms which are small and irregularly shaped in historic buildings.

In terms of the external appearance of the three front buildings, we support in principle the proposed scheme which, we understand, seeks to repair and retain the historic form and appearance. This would retain the important contribution to the historic townscape that the listed building makes and the architectural and spatial relationship to the surrounding area which is part of its setting. We advise that the details of the proposed external appearance are vital to the success of the scheme and should be carefully controlled to ensure that reinstatements are based on evidence, including for the proposed reinstated shopfront. We recognise that limited alterations of the roof form of buildings B and C would likely need to be made. All windows should be repaired or reinstated timber sash windows, not as shown on the drawings of the proposed scheme. We consider that colour washing the front elevations would be acceptable as this has historically been the case during periods of the building's history. Buildings A and C have windows with cambered arches not flat arches and this should be shown correctly in the application. A key requirement is that the external appearance of the listed building makes an important contribution to the Newark street scene and conservation area as it has done historically.

New build

We consider that in terms of mass and scale the new build elements are an appropriate response to the site with the taller sections along New Street and along the western boundary. This reduces the impact on the prominence of the listed building. We consider that the Lombard Street elevation is sufficiently well 'divided up' into units of smaller width to not be out of step with the townscape character along Lombard Street. High quality detailed design and materials, particularly bricks, are

vital to the success of the development, including strong articulation of building elements, such as string courses and deep reveals for windows and doorways, particularly for the Lombard Street elevation of the Travelodge. Your authority would need to be sure that the proposed scheme does not interrupt views of the spire of St Mary Magdalene's church from Albert Street.

Impact on conservation area

Subject to our advice above on the external appearance of the listed building, we do not consider that the proposed scheme would be harmful to the character and appearance of conservation area or the significance that the other nearby listed buildings derive from their setting.

Legislation, policy and guidance

The statutory requirement to have **special regard** to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority in determining these applications.

As the Robin Hood Hotel is within a conservation area, the statutory requirement to pay **special attention** to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must also be taken into account by your authority in determining the applications.

The government's National Planning Policy Framework (NPPF) states that in any application for planning permission or listed building consent, your authority should aim to achieve the objective of sustainable development which means guiding development towards a solution that achieves economic, social and environmental gains **jointly** and **simultaneously** (paragraph 8). An environmental gain in any planning application that affects the historic environment would be the continued conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations - a **core planning principle** (paragraph 17, NPPF).

Local authorities should recognise that heritage assets are an irreplaceable resource (paragraphs 126 and 132, NPPF and the Planning Practice Guidance (PPG) paragraph: 003 Reference ID: 18a-003-20140306).

Your authority should also take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 131, NPPF). The NPPF goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to its conservation (paragraph 132). Significance can be harmed or lost

through alteration or destruction of the heritage asset or development within its setting. Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Substantial harm to or loss of a grade II listed building should be **exceptional** (para.132 NPPF). Any harm or loss to significance *'should require clear and convincing justification'* (paragraph 132, NPPF). We do not consider that the degree of loss of historic fabric is justified, particularly given the fact that there are no signs of on-going structural movement.

As applies in this case, where a proposed development would lead to substantial harm to the significance of a listed building paragraph 133 of the NPPF applies. Local planning authorities should **refuse consent**, unless it can be demonstrated that the substantial harm or loss is **necessary** to achieve substantial public benefits that outweigh that harm or loss, or **all** of following tests in paragraph 133 of the NPPF apply.

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use'.

As currently proposed the scheme has not met these tests. The loss of key elements of the building's fabric has not been shown to be necessary. It has not been shown that it is not possible to bring forward a scheme with grant funding or some form of charitable or public ownership, for example, which would retain significantly more internal fabric and historic character of the listed building and hence considerably more of its significance. Nor do we consider that public benefits would outweigh the substantial harm to the significance of the listed building.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. However, we consider that these concerns could be addressed as described above, particularly the retention of the historic fabric identified above without conditions. In which case, and considering the justification for the loss of some fabric which cannot be retained, we consider that the level of harm to the significance of the listed building would be less than substantial and it would be for your authority to weigh the harm caused against the public benefits of the proposal in accordance with paragraph 134 of the NPPF.

Your authority, the applicant and Historic England have worked hard recently to move away from a damaging scheme. Indeed following the consultation on the submitted scheme we have been in recent offline discussions with yourself and the applicant regarding clear retention of internal fabric which we believe are moving in the right direction. The primary stumbling block now is the appropriate use of conditions. We urge the applicant to further consider this approach so that a scheme can be achieved that is acceptable to all which would be a beneficial outcome after many years of difficulties. We stand ready to help your authority and the applicant to deliver such a scheme and would be happy to advise your authority on appropriate conditions if an acceptable scheme

comes forward as referred to above. In the event that during works questions arise as to whether fabric to be retained and not subject to conditions cannot in fact be retained (as may happen in any scheme for listed building consent) we would be happy to provide your authority with expert advice from our structural engineers and architects/ surveyors as soon as possible on site so that appropriate decisions can be made at that stage.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, notwithstanding our advice, you propose to determine the applications in their current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

If your authority is minded to grant consent for the LBC application in its current form, please treat this letter as an objection and notify the Secretary of State of the LBC application, in accordance with the above Direction.

Appointed Archaeology Advisor– The significance of the Robin Hood Hotel as an important element of Newark-on-Trent's history has been well established, it represents the growth of the town in the 18th and 19th centuries as it continues to exploit its very significant location, a convergence of major communication routes.

It is unfortunate that the building has been in decline for many years and that its historic splendour has faded. An application to bring this building back to life is welcome, and this should be done with the upmost care in order to be sympathetic to the original building and its wider historic setting. I am concerned that the scale of the proposed building, which will see the demolition of large parts of the former hotel, although it is noted that various elements of the historic fabric will be retained, will dwarf the present building and this will affect the historic setting of this and other buildings in the immediate vicinity.

Archaeologically this site is outside the medieval town, perhaps forming the suburb known as Beaumont. Evaluation of the site of the medical centre confirmed that, certainly the medical centre site did not contain any stratified medieval, or earlier archaeology. It did contain features that related to its post medieval history and how this area of Newark developed during this period. The hotel site, which is closer to the road is likely to contain more archaeology which will add to our knowledge about the historic development of this area. It is recognised that the site is disturbed however this disturbance will not extend across the entire development site and so it is recommended that should the application is to continue and permission is granted that it should be subject to an archaeological condition.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, including the grubbing out of any existing foundations, with the ability to stop and fully record archaeological features.

“[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.” Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

Nottinghamshire Building Preservation Trust (NBPT) – The Nottinghamshire Building Preservation Trust (the Trust) welcomes the latest application by M F Strawson Ltd for the completion of the Potterdyke Development. The applications represent a significant change of heart on the part of the developers and seek to preserve and conserve the Listed Buildings on the application site which has been the objective of the Trust. We appreciate the work and compromises which have resulted in the submissions and our comments are applicable to both the full planning and the Listed building application.

The NBPT therefore supports the application and has the following comments.

1. Design and Access Statement; 1.4 speaks of the 'intention' to retain as much of the historic fabric as practicable. The Trust views the retention of the historic fabric as of prime importance and requests the N&SDC to provide an independent arbiter to ensure financial considerations do not become the criteria by which practicality is judged.
2. The Trust requests the N&SDC to condition any approval to ensure that the highest level of conservation techniques are employed in conserving internal and external structures and finishes. Replacing damaged brickwork, woodwork repair or replication where necessary.
3. The application documents include photographs of the site for various stages in its development and the applicant has chosen to replicate a phase when the Beaumont Café was housed in the east end house. The Trust believe this to be unsuitable for the internal use as an office for Travelodge and will lead to unsuitable displays to hide the interior. NBPT would prefer to see a return to the two shuttered domestic windows and door shown on sheet J1565 (08) 140 upper right. These images also show a third chimney stack which we would like to see restored, as coming from the same period.
4. If new external features are permitted (eg Shop front, door surround, shutters) details are to be approved before work commences.
5. The choice of period also raises the question of external finish. Block A (east) is shown as bare brick, block B (centre) is white painted (render?) on the upper floor and block C is, perhaps, painted. It is necessary, we believe, to be consistent.
6. Special attention is required to ensure the support of Block C intermediate floor over the re-structured ground floor accommodation and the method of support should be agreed before work commences.

7. The new glazed entrance screen, linking block A to the new shops (sheet J1565 (08) 130), seems unrelated to the shop façade and, as such, would, in our view, appear more independent if set back deeper on the shop return.

8. The Trust is disappointed with the treatment of the Travelodge façade onto Lombard Street. Historic three storey building along the street have brickwork at ground floor and the use of render seems arbitrary. The scale of the display windows is larger than elsewhere. A single display window on Lombard Street with additional display windows down the pedestrian passage, could be more attractive to customers. Use of brick string courses on ground and upper storeys would be appropriate.

Heritage Lincolnshire – No comments received.

Newark Civic Trust – Newark Civic Trust welcomes the revised plans for the Robin Hood Hotel site and we are heartened that the design shows that the historic structures can be retained within a new redevelopment. The plans are a huge improvement on the previous application to demolish the structures and build, what we believed, to be a completely inappropriate structure in their place.

However, Newark Civic Trust objects to the proposal. We consider the design represents an inappropriate form of development within the Conservation Area. The clash of new and existing built forms is completely unreconciled; new buildings in a conservation area are required to ‘*enhance*’ the ‘*character*’ of the Conservation Area. The Trust strongly disagrees, as stated in section 6.6 of the Historic Building and Conservation Area Assessment, that the new elements are of a “Sensitive design and construction of the proposed hotel development would enhance the prevailing aesthetic of the area.” This development will have an unacceptable adverse impact on this important corner site.

We take this opportunity to remind Newark & Sherwood District Council that the original approval for the Potterdyke development included retention, repair and refurbishment of the Listed Buildings and, as the statutory enforcement authority, this condition should be enforced by the Council.

Quite apart from being unsympathetic in respect to the existing, traditional buildings, the appearance of what is proposed would be very much out of place. The Historic Building and Conservation Area Assessment (section 5.7) and the Design and Access Statement (section 4.8) states that the use of flat and hipped roofs reduces the scale and impact of the proposed building within the general street scene. We agree that the physical impact of the buildings is reduced but the aesthetic impact on the streetscape will be negatively impacted as these design elements conflict with the existing historic structures in the vicinity.

The Historic Building and Conservation Area Assessment (section 5.8) further states that “*The ground floor of the new build elements will contain glazed panels to differentiate between the historic and modern elements of the hotel.*” Modern design elements can be used to reduce the impact of a development and help differentiate between the historic and modern. However, the proposed designs fail to successfully incorporate these modern features resulting in a conflict between the new

and old and thereby, as we have already stated, the resultant development will have a negative impact on the streetscape.

Furthermore this is not an appropriate site for a 66-bedroom hotel. Road safety in this part of town has already been jeopardised by entrances/exits to the bus station and ASDA store. We note that the layby situated outside the proposed retail units can only be accessed by vehicles entering Lombard Street from London Road or Portland Street. Visitors and delivery drivers approaching from Castle Gate will inevitably try to cross the line of traffic leading to delays and accidents.

Therefore we have concluded that since this application in no way complies with the terms of the original agreement, it should be refused.

Georgian Group - No comments received.

Millgate Conservation Society – No comments received.

Victorian Society – No comments received.

Ancient Monuments Society – No comments received.

Council for British Archaeology – No comments received.

Society for the Protection of Ancient Buildings – Thank you for notifying the SPAB of the above application for the partial demolition of the GII listed Robin Hood Hotel, Newark. As you will be aware, the Society has been campaigning for the retention, repair and reuse of this group of listed buildings since we were first notified of the application for its demolition in May 2011.

We requested the previous applications XXX be called in by the Secretary of State given the substantial harm resulting from the total loss of the buildings that the application proposed. We were heartened when we heard that the application had been withdrawn in the run up to the Public Inquiry and had hoped this would result in the retention of the listed buildings on the site. We are disappointed therefore that this new application has come forward which on balance comprises more demolition than retention, and is tantamount to façadism.

As an approach to conservation and good new design, the retention of a historic façade with a new build behind it is arguably the most unsatisfying form of 'preservation' and given how many poor examples of this type of architecture now exist, we are disappointed to see yet another scheme of this type come forward as a compromise to total demolition.

The special interest of listed buildings is not confined to their primary facades, and in the case of the Robin Hood Hotel, despite later alterations, there is still architectural and historic value in its interiors. Given that the buildings themselves are listed, and that the building is in a prominent site in the Conservation Area, the council should be advocating for a design which retains the exiting nationally

important buildings and incorporates a new build element that responds to the historic context of Beaumont Cross in a positive and creative manner.

Principle of demolition

Paragraph 132 of the National Planning Policy Framework 2012 (NPPF) states that heritage assets are irreplaceable and that as such harm or loss requires 'clear and convincing justification' and that substantial harm should be 'exceptional' in the case of GII buildings.

It is clear by virtue of the amount of loss of historic fabric and the damage to the integrity of the GII listed building, that the level of harm should be considered 'substantial' and so 'exceptional' justification for the proposals is required

The Historic Building and Conservation Area Assessment prepared by Cotswold Archaeology provides the following in terms of justification:

- Those elements of the building to be removed '*cannot be retained due to condition or location and conflict with operator requirements in respect of disabled access and room sizes.*'; and
- '*The building is currently in very poor structural condition, best evidenced from the rear of the property (Photo 17), where crumbling walls, intrusive vegetation and nesting birds can all be seen to be eroding the historic fabric of this building*'.

The SPAB accepts that to bring long-term vacant buildings back to use there is likely to be a need for greater alteration which can be offset by the public benefit of the building being secured.

However, we do not think the Robin Hood Hotel should be forced to shoulder the burden of substantial demolition to meet this particular operator's needs for larger rooms. That the existing building does not meet their needs suggests that they have purchased the wrong building, rather than the building being inherently unviable for reuse. We do not consider their need for larger rooms or disabled access to be 'exceptional' justification for the wholesale demolition of the rear of these buildings of special architectural and historic interest.

Whilst Cotswold Archaeology state that the building is in poor condition, there is no structural survey of the building provided in the application to demonstrate that this statement is grounded in anything more than a visual assessment of the rear of the building, and cannot be considered 'clear and convincing justification' for the substantial harm that the wholesale demolition of the rear of the buildings constitutes.

Additionally we note that the extent of retention of the listed buildg is dependant on 'assessment on site' once demolition begins (as stated in drawing J1565 (08) 113 A). Therefore, the elements of the building that are proposed to be retained (in addition to the extent of retention previously proposed under an older application) are by no means secure. As well as providing evidence that the rear of the buildings are in such a perilous condition that demolition would be the only reasonable course of action, a structural assessment would have aided in providing more certainty about these elements of the building prior to a decision on the application being taken.

Impact of the new building on the conservation area

The principle of the demolition aside, the design of the new-build elements of the scheme also do not meet the requirements of planning policy and legislation relating to the historic environment.

In line with established guidance on good new design, we would expect to see a design approach to the new build elements of the scheme which considers the building group as a whole; taking into account the sensitive, historic context of the conservation area and responding to it in an innovative way, whilst reflecting the newly created spaces behind each façade. However, the current proposals fail to be subservient or to respond to the retained façade or the character of the conservation area.

As evidenced by the submitted drawings and visualisations, the proposals are inappropriate in terms of scale, bulk and appearance against the retained listed building, as well as in views through the conservation area. In addition, we consider that the roof structure of the new build would sit awkwardly against the retained listed façade and compound the effects of the un-unified design.

The Society is concerned that these proposals are a missed opportunity to enhance local distinctiveness and will cause less than substantial harm to the conservation area. 'Less than substantial harm' is not in itself reason enough to refuse an application, however, in this case the counterbalancing benefit of providing a new use for derelict buildings in the conservation area is negated by the fact that the scheme necessitates the partial demolition of those buildings which are both listed and add to the character and appearance of that area.

Summary

The Society recognises that, from time to time, old buildings may need sympathetic alteration, adaptation or extension to ensure their continuing usefulness, but ultimately any new proposals must meet the test of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that decisions relating to listed building consent applications must pay 'special regard' to 'preserving the building or its setting or any features of special architectural or historic interest which it possesses'

(S.16). By virtue of the substantial demolitions proposed and the impact of the new building on the listed building and its setting, the application fails to meet the statutory requirement and should be refused.

Section 72 of the same act also requires local authorities to give special regard to preserving the special character and appearance of any conservation area, which by virtue of the incongruous and generic design of the new-build elements, these proposals would fail to achieve.

We hope that this response is helpful to you in determining these applications.

20th Century Society – No comments received.

Police Architect – No comments received.

NSDC Environmental Health – No observations in terms of contaminated land.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NCC Highways – *Original comments received 21st June 2018:*

The above application is accompanied by a transport assessment (TA), which compares the proposed development with a previously approved development.

The TA uses the previously approved trip rates for A1/A3 use, applied to the floor area for the flexible use (as described above). This is acceptable as these two uses are likely to attract the higher trip rates of all the uses. Trip rates for the hotel use have been added and the TA demonstrates that the proposed use will have a lesser impact on highway than the previously approved development.

There is no car parking provision included with this proposal, however, there is existing public parking within the Beaumont Cross Shopping Centre directly to the west of the site, and also an NCP car park on Lombard Street to the north of the site. The Transport Assessment indicated that the NCP car park have agreed to open their car park 24 hours, 7 days per week for use by hotel customers.

It would be advisable that this is accompanied by way of a formal legal agreement as part of any planning permission granted, to ensure suitable parking provision is made available. However, from a highway perspective, in this town centre location, there are sufficient parking controls to prevent inappropriate parking on street.

The existing building has a street nameplate on for Lombard Street. This existing street nameplate should be replaced on the new building to help drivers navigate and reduce any possibility of confusion and resultant lack of concentration on road conditions.

However, our area of concern is the existing service vehicle access via Beaumont Cross and coinciding with what appears to be the proposed hotel guest entrance. This was originally intended to allow access for service vehicles to retail units between 4pm and 10am.

The Traffic Regulation Order to allow this would also allow loading and unloading for hotel guests by private car. The am and pm peak times with the highest number of guests arriving and leaving is between 8 am to 9am and 5pm to 6pm, which is allowed by the TRO.

This gives us cause for concern as this could result in around 33 vehicles in the morning peak and 22 vehicles in the evening peak dropping off hotel guests in this area. As guests are unlikely to arrive at regularly interspersed intervals, not only could this lead to relatively large numbers of vehicles entering a large and complex traffic signal junction without signal control but it could also lead to a number of vehicles in this area being unable to manoeuvre properly and therefore having to reverse out into the junction.

This will not be acceptable from a highway safety point of view and we require further details on loading and unloading for guests and measures to prevent access for unloading from private vehicles from Beaumont Cross.

In consideration of the above, in its current form we object to the proposals. However, if the applicant can provide details satisfactorily addressing the concerns, we may be minded to reconsider.

NCC Flood – No objections.

Natural England - Natural England has no comments to make on the application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones prior to consultation with Natural England.

Nottinghamshire Wildlife Trust – No comments specific to current applications received.

Newark Business Club - Please note that we SUPPORT this proposal because we regard the availability of more hotel rooms in the town as a benefit to the local commercial interest; however, we have significant concerns over the provision of an hotel at this location, with regard to extra road traffic movements on to and off the site.

Traffic movements as calculated by the applicant may be correct, but we feel strongly that the present situation, whereby significant southbound traffic leaving the Beaumont Cross lights enters the Asda site from Portland Street, despite the signage indicating that such turns are illegal, would surely be exacerbated by the presence of an hotel; safety of car occupants and pedestrians would thereby be further endangered. Furthermore, drivers arriving at the hotel from the Lombard Street and London Road directions may be unaware of the route that they should follow to reach the hotel and its parking arrangements. For these reasons, we strongly recommend that any approval of the proposal be allowed only under the conditions that the Authority is satisfied that:

a. Traffic engineering measures in Portland Street shall be implemented to ensure that southbound traffic is absolutely unable to turn into the Asda site.

b. Signage and other information shall be provided to all drivers arriving at the hotel, sufficient to ensure that they are guided to use the safest and most efficient route on to and off the site, including for overnight parking. The design and construction of such signage should achieve the objectives without in any way detracting from the street scene in general or the appearance of the Newark Conservation Area.

The following representations have been received from local residents / interested parties:

18/01020/FULM– 4 contributors (2 objections/ 1 support /1 neither objecting or supporting)

18/01021/LBC – 6 contributors (3 objections / 1 support / 1 support with concerns / 1 neither objecting or supporting)

The main points made in these representations are summarised as follows:

Principle of development

- Any development on the site would be an improvement – the existing site is an eyesore at the entrance to the historic town giving any visitors a poor impression
- If this was the original proposal it would not have been passed
- Planning was passed to build a hotel near the Maltings next to the river
- A hotel on that corner would oversaturate the space and result in more empty shops
- If restored back to 3 cottages, one could be used as a tourist centre and the other two furnished with antique furnishings such as Mrs Straws house which would bring tourists
- Private property owners are required to carry out works and repairs to listed buildings

Planning History

- The applicant has hardly carried any work to protect the decaying structure which is enforceable by law
- There is doubt that the façade planning consent remains extant
- It is a shame that the application could not have commenced before now
- The works if the S217 Notice have not been complied with – it was supposed to be complied with by 13th January 2018

Issues of Design

- The build is of a very poor finish – if the design was carried this whole area would not look characterful
- The buildings are going to look like the same buildings that were allowed in the 70s, the face of Newark is already being changed including by the new Council offices
- The mix of roof lines does not sit well
- The site is one of the gateways to the town – the London Road direction view is most important – the large, bland windows of the hotel foyer should be reduced in size

- The ground floor windows shown in Lombard Street elevation are ugly and cheap looking – small windows might work better
- Where slate is used it should be genuine material – reconstituted versions are too shiny and do not have a feathered edge
- The new plans fit in with the local environment by keeping the original build
- One would expect a RIBA prize holder or similar architect would have been employed to design a new building connecting to the RHH
- The design is an off the shelf hotel design

Impact on Heritage

- Totally against demolishing Robin Hood to make way for a hotel
- The applicant will not spend the monies needed – the job needs to be given to someone with experience in heritage restorations
- The height of the proposed hotel dwarfs the historic cottages
- The relevant Listed Building and Conservation Acts should be enforced to renovate and make good 100% of the building
- There should be an independent watching brief to ensure that there is no further loss of Newark's heritage
- The proposals will amount to substantial harm without substantial public benefits
- Cotswold Archeology and Historic England have identified substantial harm
- HE consider that more of the historic fabric should be retained
- There are other hotels where room layout has accommodated historic building layouts – this shows a lack of commitment from owners
- Demolition is proposed before any thorough building survey or internal assessments of historical features have been undertaken
- Louise Jennings of LCC highlights the need for records of understanding
- The application is dismissive of the RHH having any historic interest to the town
- The RHH is an important link to the brewing and malting industries that were so important to established the historic wealth
- There appears to be no mention of the imposing main staircase which was a particular feature
- It is surely completely wrong and against planning policy to try and justify an inappropriate development and loss of parts of an historic asset on the grounds of dilapidation that has resulted from neglect.

Impact on Highways

- The safety issues and adequate car parking have still not been fully resolved

Other Matters

- The Council and the developers have a special relationship which is concerning for a public authority
- There is no demonstrable evidence of additional employment

- There is a gap in museum facilities which could be remedied by making the RHH a Brewing and Malting museum