



Report to Planning Committee 10 November 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Laura Gardner, Senior Planner, 01636 655907

Report Summary			
Application Number	22/01876/FUL		
Proposal	Installation of externally mounted roaster flue		
Location	1-3 Lombard Street, Newark On Trent, NG24 1XG		
Applicant	Mr Nick Peel - Stokes Tea & Coffee	Agent	Framework Architects Mr James Grogan
Web Link	22/01876/FUL Installation of externally mounted roaster flue. 1-3 Travelodge Lombard Street Newark on Trent Nottinghamshire NG24 1XG (newark-sherwooddc.gov.uk)		
Registered	06.10.2022	Target Date	01.12.2022
Recommendation	Approve, subject to the conditions set out in Section 10.0		

This application is being referred to the Planning Committee for determination as the Council has a lease interest in the site.

1.0 The Site

The site relates to part of the former Robin Hood hotel which comprises three Grade II listed town houses at Lombard Street. At the Beaumont Cross junction with Lombard Street, the site forms a key gateway to the town occupying a prominent position within the Newark Conservation Area and the Potterdyke redevelopment scheme. The site has undergone recent construction work in order to bring the buildings into a new use operated by the Travelodge hotel chain with retail units at the ground floor.

The site is within Newark Town Centre as well as the designated Conservation Area and historic core of the Town.

2.0 Relevant Planning History

The site is subject to a complex planning history albeit the most relevant application to the current determination is reference 18/01020/FULM:

Partial demolition of the former Robin Hood Hotel with retention of the façade, eastern gable and parts of the roof and internal fabric and integration with a new 66 No. bedroom Travelodge Hotel (Class C1) along with 3 No. units for flexible retail (Class A1), financial and professional services (Class A2), café/restaurant (Class A3) and leisure (Class D2) uses.

The application (and an associated LBC application) were approved in June 2019.

3.0 The Proposal

The current proposal seeks permission for the installation of an external flue on the southern elevation of the building (a new modern element of the hotel). The flue would be positioned towards the corner of the building between one of the shop units and the Travelodge entrance.

The flue would have a total height of approximately 8m exceeding the height of the building by approximately 0.6m at the point of attachment (i.e. the building is taller than the flue elsewhere). It would be finished in a slate grey colour and would have a diameter of approximately 0.2m.

For the avoidance of doubt the proposal does not require listed building consent. The new glazed element forming the entrance to Travelodge is connected to the listed building, whereas the new retail units and accommodation wing to New Lane is separated from the listed building

The application has been considered on the basis of the following plans and documents:

- Site Location Plan – J2218 00101 A;
- Proposed Ground Floor Lease Plan – J2218 00103;
- Existing Ground Floor Plan – J2218 00107 A;
- Existing First Floor Plan – J2218 00108 A;
- Existing Roof Plan – J2218 00109 A;
- Existing Front Elevation – J2218 00110 A;
- Proposed Ground Floor Plan – J2218 00111 A;
- Proposed First Floor Plan – J2218 00112 A;
- Proposed Roof Plan – J2218 00113 A;
- Proposed Front Elevation – J2218 00114 A;
- Flue Details – Nova;
- Flue Riser Details – RT-0822-FRD;
- Plant Room Layouts – RT-0822-FPA;
- Heritage Impact Statement – RH/PL/J2218.

4.0 Departure/Public Advertisement Procedure

Occupiers of 4 properties have been individually notified by letter. A site notice has also been placed at the site and an advertisement displayed in the local press. The overall consultation period expires on 3rd November 2022 so any comments received between agenda print and the meeting will be reported to Members through the late items schedule.

Site visit undertaken on 13th October 2022.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Core Policy 6 – Shaping our Employment Profile
Core Policy 8 – Retail & Town Centres
Core Policy 9 -Sustainable Design
Core Policy 14 – Historic Environment
NAP1 - Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

6.0 Consultations

Newark Town Council – Comments due by 3rd November (will be reported through the late items schedule).

NSDC Conservation Officer – The flue results in some minor adverse impact. In the context of the whole CA, this harm is relatively minor and falls within the lowest end of the ‘less than substantial harm’ category set out within the NPPF.

NSDC Environmental Health – No objections.

One letter of representation have been received outlining support for the development.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

As the applications concern designated heritage assets of the conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. This requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.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. 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.

Principle of Development

The premise of the application is to support the occupation of one of the retail units at the ground floor of the building by a café/bar operation. The site is within the Town Centre where such uses are encouraged (and indeed the use has already been established). The proposal would support the aims of the Spatial Strategy and the occupation of the unit would lead to employment in line with the aspirations of Core Policy 6. The proposal is therefore supported in principle.

Impact on Character and Design

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

As set out by the policy context above one of the main considerations of the application is an assessment of the impact of the flue on setting of designated heritage assets including the Robin Hood hotel and the Conservation Area. The Heritage Impact Assessment acknowledges that the flue is a contemporary addition but that it would be positioned facing into a modern pedestrian friendly street scene comprising a mixture of uses and leading towards the equally modern Asda supermarket.

Colleagues in Conservation have reviewed the application and have offered the following comments:

The proposed position of the flue is on the right hand side of the unit, close to the entrance of the Travelodge. The flue will therefore be quite prominent from Beaumont Cross junction.

It is accepted that the flue is not radically different in design to rainwater down pipes and soil pipes. The key difference is the diameter. The existing rainwater downpipes on the retail units, visible further along New Lane, are 110mm in diameter for example. The new flue will therefore be larger than existing rainwater goods. The flue will be quite noticeable at a higher level against the render band of the building.

The flue results in some minor adverse impact. In the context of the whole CA, this harm is relatively minor and falls within the lowest end of the 'less than substantial harm' category set out within the NPPF. In mitigation, the flue will have a dark grey finish to match existing rainwater goods. In addition, the pipe is located on modern building fabric and not unduly prominent within the setting of the former Robin Hood, a listed building.

Before a decision is made, further discussion should be undertaken as to why the flue could not be located on the left hand side of the unit. This would present a better location that would have less visual impact and potentially would cause no harm at all (the wall return of the next unit would significantly help reduce impact). However, we recognise that the business offer of the retail unit will contribute to wider economic and social objectives in the high street and might weigh favourably against the minor harm we have identified. Moreover, we accept that a suitably worded condition could be added to an approval stating that the flue must be removed once the coffee roasting use ceases on site.

The agent has been asked to explain the proposed positioning of the flue (i.e. why it is not positioned further away from the corner of the building in a more discrete location as set out in the comments above). It has been explained that the position is governed by the internal layout of the unit. The unit has only one foul drainage pipe where all waste needs to discharge which essentially dictates the internal layout, i.e. where the coffee roaster machine can go (to which internal floor plans have been submitted to corroborate). Whilst this is unfortunate from an external design / heritage perspective it is understood and considered to be sufficient justification for the location of the flue externally.

As is set out by paragraph 200 of the NPPF, any harm to the significance of a designated heritage asset should require clear and convincing justification. In this case, the position of the flue has been adequately explained and the benefits associated with the development, namely bringing a vacant unit into a viable use, would be notable in both social and economic terms. In the context of the level of harm identified, the benefits of the scheme are considered sufficient to outweigh the harm subject to a condition (as suggested by Conservation colleagues) for the removal of the flue in the event that the need for it ceases.

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The flue would be positioned on the southern elevation of the building and exceed the height of the building. It would be connected to the hotel use but residential properties are some distance away (the site opposite is the Doctors surgery). As such no concerns have been raised by Environmental Health and I have identified no specific amenity harm arising from the proposal.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The proposal seeks for a relatively minor development being the addition of a flue to allow a café and associated coffee roastery to occupy a currently vacant unit in the Town Centre. The position of the flue close to a prominent junction in the Conservation Area would result in minor harm contrary to s.16 and 66 of the Act. With reference to the NPPF, this would be within the lowest end of 'less than substantial harm' (par.202) where clear and convincing justification has been provided. The wider economic and social benefits of the scheme in bringing the unit into a viable use are welcomed leading to a recommendation of approval.

10.0 Conditions

01

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

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

02

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

- Site Location Plan – J2218 00101 A;
- Proposed Ground Floor Plan – J2218 00111 A;
- Proposed First Floor Plan – J2218 00112 A;
- Proposed Roof Plan – J2218 00113 A;

- Proposed Front Elevation – J2218 00114 A;
- Flue Details – Nova;
- Flue Riser Details – RT-0822-FRD;

Reason: So as to define this permission.

03

The development hereby approved shall be constructed entirely of the material details submitted as part of the application submission.

Reason: In order to preserve or enhance the character and appearance of the conservation area and the listed building.

04

In the event that the associated coffee roasting use within the unit ceases, the flue shall be removed within three months from the last date of such use.

Reason: Due to the identification of minor heritage harm.

Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

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

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01876/FUL

