



Report to Planning Committee 13 February 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, 01636 655902

Report Summary			
<b>Application No.</b>	25/00048/S73		
<b>Proposal</b>	Variation of Condition 18 (approved plans) attached to planning permission 22/00852/FUL Change of use and conversion of hall to new residential apartments with new bin and cycle store.		
<b>Location</b>	Ollerton Hall, Main Street, Ollerton		
<b>Applicant</b>	Mr A Cavell	<b>Agent</b>	Brick Architects Ltd – Dylan Woods
<b>Web Link</b>	<a href="#">Link: Variation of Condition 18 (approved plan) attached to planning permission 22/00852/FUL Change of use and conversion of hall to new residential apartments with new bin and cycle store</a>		
<b>Registered</b>	14 January 2025	<b>Target Date</b>	11 March 2025
<b>Recommendation</b>	That planning permission is APPROVED subject to the conditions outline in Section 10.0 of this report		

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the District Council currently retains ownership of the building.**

**1.0 The Site**

- 1.1 The application site is situated on the western side of Main Street, within the defined built-up part of Ollerton (a ‘Service Centre’ as defined by the Core Strategy) and within its designated Conservation Area. Part of the site (along the north-west boundary) lies within Flood Zones 2 and 3 of the adjacent River Maun.
- 1.2 Ollerton Hall is a Grade II\* Listed Building. It is a three-storey ashlar dressed brick and hipped plain tile roof country house circa 1700 within a generous associated curtilage and in an elevated position, allowing it to enjoy views from all elevations. Internally the building retains a limited number of original features although the plan form of the building is still readily visible despite the many alterations the Hall has endured

over the years. The site is bounded by a 2-metre-high brick wall and fencing to Main Street, with its access point in the north-east corner.

- 1.3 To the north lies the River Maun and its periphery vegetation. To the east and south, the site is bound by a mixture of vegetation and trees. The site slopes from the east down to the River Maun on the western boundary. Along the northern boundary of the site are three modern dwellings. To the south and east, on the opposite side of Main Street are more dwellings of differing age.
- 1.4 There are mature trees along and close to the south-western boundary of the site and part the way along the boundary with the River Maun. An isolated group of fir trees has been protectively enclosed at the northern end of the site.
- 1.5 The building is currently in the process of being converted into residential apartments under applications approved in 2023.
- 1.6 The site has the following constraints:
  - Grade II\* Listed Building
  - Conservation Area
  - Part of the site lies within Flood Zones 2 (medium risk) and 3 (high risk)

## **2.0 Relevant Planning History**

- 2.1 **84/00687** and **84/00687(LB)** - 'Restoration/Conversion to Residential Home for the Elderly' and associated listed building application for 'Internal Alterations & Alterations to doors & windows to form home for the elderly'. Both were granted 23/01/85.
- 2.2 **89/01420** and **89/01420(LB)** - 'Renovation of hall to form a health care building including a single storey extension- and its associated listed building application which were both approved on 30/01/90 and 23/03/90 respectively. This scheme has been implemented and a start has been made to the extensions. Work on the extensions commenced in November 2007 although the larger extension to the west was not built in accordance with the approved plan. This led to the submission of the further applications (as follows) which were to regularise the position.
- 2.3 **08/00703/FULM** and **08/00704/LBC** – 'Erection of single storey extensions to provide additional nursing home accommodation' and 'Erection of single storey extensions' both approved on 06/02/09. The Local Planning Authority did not agree to the discharge of the materials condition. It was never pursued further by the applicant and accordingly these consents expired on 5<sup>th</sup> February 2012. These extensions were commenced under the 1990 consent but the extension to the west was not being erected in accordance with the approved plan. I understand that this was because it was too close to a sewer that crosses the site. As such the applicant submitted a fresh planning application in 2008, which was approved but the conditions were not

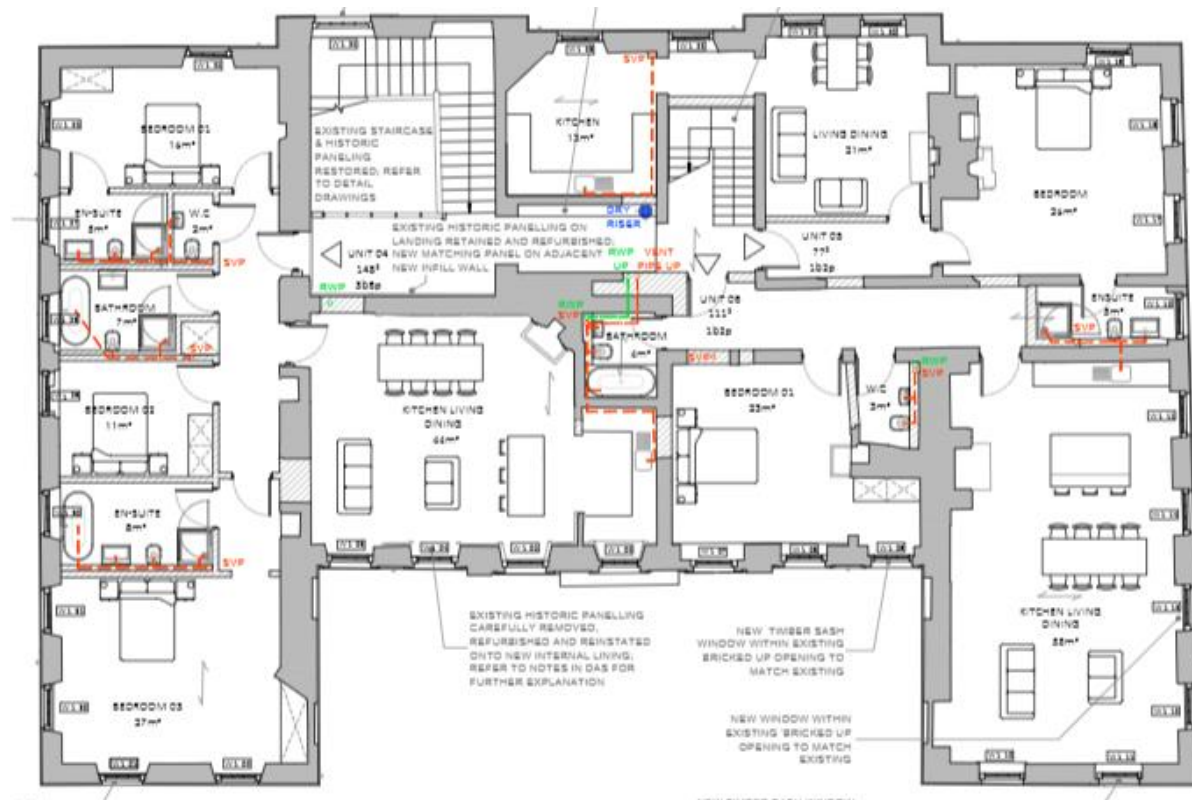
discharged, hence the applicant did not make a lawful start. It therefore follows that part of what has been erected on site so far is unauthorised.

- 2.4 **12/00415/FULM (& 12/00417/LBC)** - Alterations and extensions to form a total of 25 dwellings. Provision of associated parking, public open space, bins stores and flood compensation. Refused due to 1) harm to listed building itself 2) harm to setting of Grade II\* building 3) failure to demonstrate safe in flood risk terms 4) lack of affordable dwellings without justification 5) lack of community facilities contribution and 6) adverse impact on highway safety. Appeals were lodged (APP/B3030/A/13/2190642) and dismissed on 1<sup>st</sup> October 2013.
- 2.5 **PREAPP/00176/21** – Conversion to 9 residential apartments, advice given June 2021.
- 2.6 **PAFU/00221/21** – Conversion to 8 residential apartments, advice given September 2021.
- 2.7 **22/00852/FUL** – Change of use and conversion of hall to 8 new apartments with new bin and cycle store, approved 21 April 2023. Development commenced.
- 2.8 **22/00853/LBC** - Refurbishment of hall to provide 8no. new apartments, approved 21 April 2023. Works commenced.
- 2.9 7 Discharge of Condition applications, 6 determined, 1 pending consideration.
- 2.10 **24/02144/NMA** - Application for a non-material amendment to planning permission 22/00852/FUL to amend the proposal to 'Change of use and conversion of hall to new residential apartments with new bin and cycle store' approved 8 January 2025.
- 2.11 **25/00163/LBC** - Refurbishment of hall to provide 10no. new apartments, pending consideration.

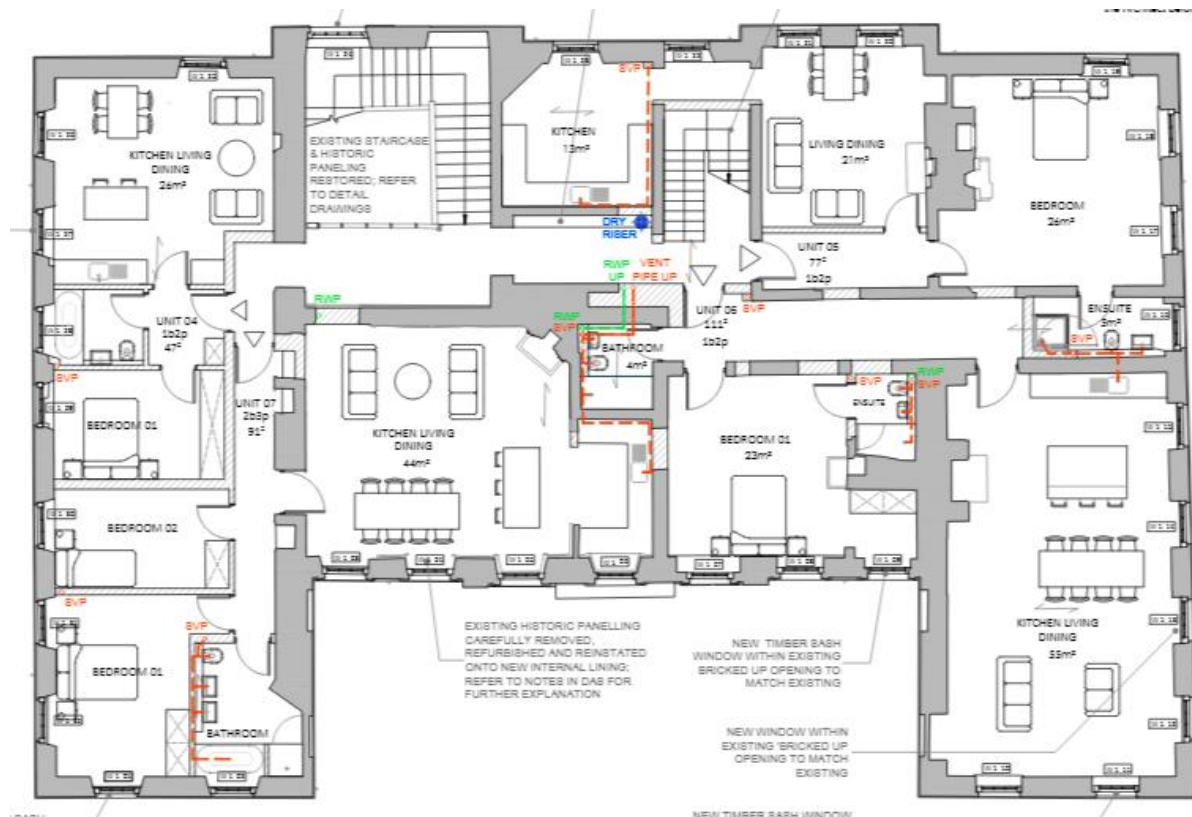
### **3.0 The Proposal**

- 3.1 Full planning permission is sought to approve amended plans to convert the hall into 10 apartments, as opposed to the 8 apartments that currently have approval. Works have already commenced on site. The majority of alterations proposed relate to the internal layout within the building, the only additional external alterations being moving the position of a new roof light on the flat roof and adding matching roof tiles to a small area of inner facing roof slope. No changes are also proposed to the external site layout, with the number and layout of parking spaces (18 spaces alongside the northern boundary) and access from Main Street. The proposed outbuilding in a four bay brick and tiled hipped roof measuring 13.7m by 4.3m, eaves 2.8m and ridge 4.7m high, adjacent to the eastern boundary remains as previously approved in dimensions and siting, but internally has been re-configured to provide additional bin and cycle storage (increasing capacity from 14 to 18 cycles), as well as general storage. Associated formal landscaping remains proposed immediately in front of the hall.
- 3.2 The plans show one additional apartment being created at first floor level and one at second floor level through re-configuring internal layouts (see plans below).

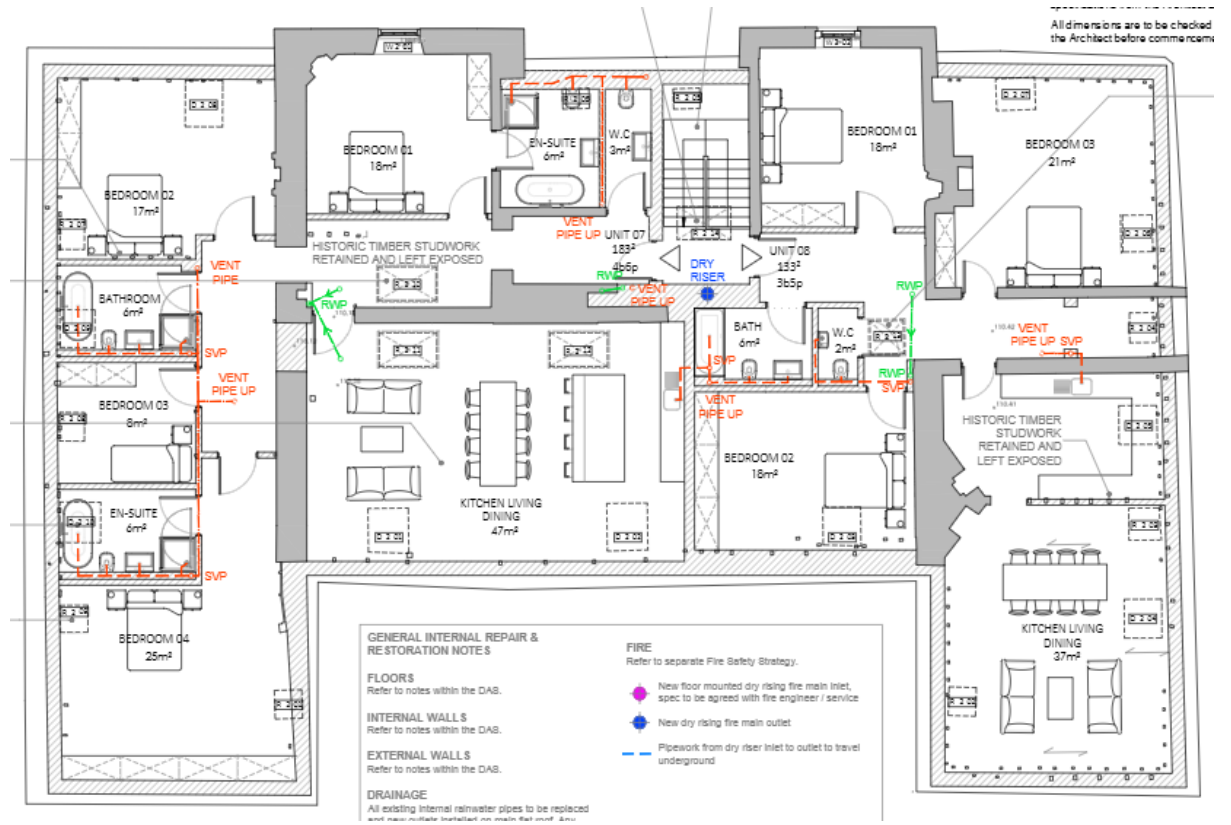
Approved First Floor



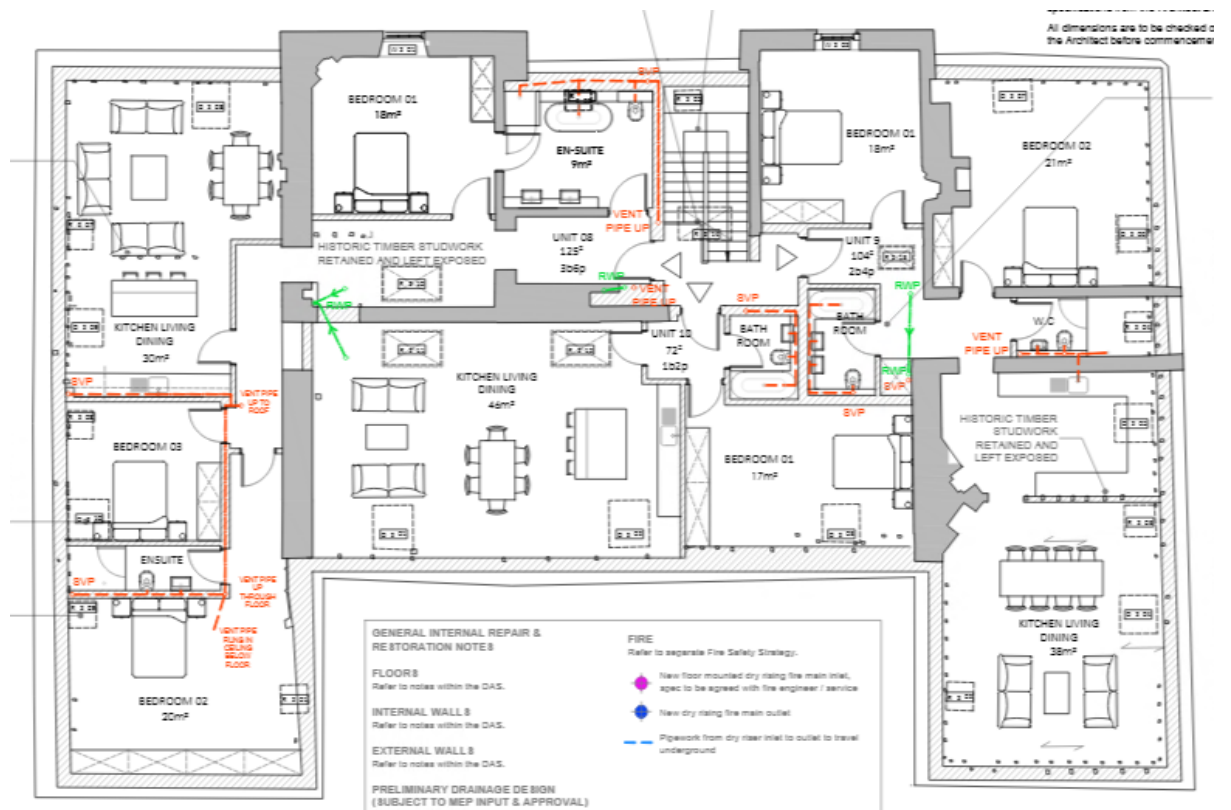
Proposed First Floor



### Approved Second Floor



### Proposed Second Floor



### 3.3 The changes to the proposed mix comprise the following:

	<b>Approved</b>		<b>Proposed</b>	
	No of beds	(sqm)	No of beds	(sqm)
<b>Ground Floor</b>				
Unit 1	4	141	4	141
Unit 2	1	105	1	97
Unit 3	1	84	1	83
<b>First Floor</b>				
Unit 4	3	148	1	47
Unit 5	1	77	1	77
Unit 6	1	111	1	111
Unit 7			2	91
<b>Second Floor</b>				
Unit 7/8	4	183	3	125
Unit 8/9	3	133	2	109
Unit 10			1	72

### 3.4 Documents assessed in this appraisal:

- Sketch Showing 10 Unit Scheme – Ground Floor (Drawing No: 21-018)
- Sketch Showing 10 Unit Scheme – First Floor (Drawing No: 21-018)
- Sketch Showing 10 Unit Scheme – Second Floor (Drawing No: 21-018)
- Proposed Ground Floor Plan (Drawing No: 21-018\_PL1\_205 Rev A)
- Proposed First Floor Plan (Drawing No: 21-018\_PL1\_206 Rev B)
- Proposed Second Floor Plan (Drawing No: 21-018\_PL1\_207 Rev A)
- Proposed Roof Plan (Drawing No: 21-018\_PL1\_208 Rev B)
- General Arrangement Bike/Bin Store, Elevations, Section (Drawing No: 21-018\_PL1\_203)
- Heritage Impact Assessment dated 28 Jan 2025
- Confirmation from Council’s professional surveyor that a review of the refurbishment works has included unforeseen structural repairs and that the requested increase from 8 to 10 apartments will generate a slight increase in gross

value to the development, however, this will in the main be offset by the increased restoration, structural and conservation increased costs. It is therefore recommended that no additional costs of S106 contributions should be added, to ensure the project is delivered by the developer.

#### **4.0 Departure/Public Advertisement Procedure**

- 4.1 Occupiers of 19 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 22 January 2025.

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

##### **5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
 Spatial Policy 2 - Spatial Distribution of Growth  
 Spatial Policy 6 – Infrastructure for Growth  
 Spatial Policy 7 - Sustainable Transport  
 Core Policy 3 – Housing Mix, Type and Density  
 Core Policy 9 -Sustainable Design  
 Core Policy 10 – Climate Change  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 Core Policy 14 – Historic Environment  
 ShAP2 – Role of Ollerton & Boughton

##### **5.2. Allocations & Development Management DPD (2013)**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
 DM3 – Developer Contributions and Planning Obligations  
 DM5 – Design  
 DM7 – Biodiversity and Green Infrastructure  
 DM9 – Protecting and Enhancing the Historic Environment  
 DM12 – Presumption in Favour of Sustainable Development

- 5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and an examination in public was undertaken in November 2024. This is therefore at an advanced stage of preparation albeit the outcome of the examination is not yet known. There are unresolved objections to amended versions of policies set out above (other than DM12) emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

##### **5.4. Other Material Planning Considerations**

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)  
 National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019  
 Residential Cycle and Car Parking Standards & Design Guide SPD June 2021  
 Developer Contributions and Planning Obligations SPD 2013  
 District Wide Housing Needs Survey Arc4 2020  
 Planning (Listed Buildings and Conservation Areas) Act 1990  
 Ollerton Conservation Area Appraisal 2022

## **6.0 Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

### **Statutory Consultations**

- 6.1. Nottinghamshire County Council (Highways) – No objection. The applicant proposes internal alterations to seek to achieve a more practical layout. The proposed changes to the internal floor layouts have no impact on the numbers of bedrooms within the conversion. The scheme will not therefore give rise to the need for any changes to the external parking or access arrangements.
- 6.2. Historic England – No advice is offered and they suggest the views of the Council's specialist conservation and archaeological advisers are sought.

### **Town/Parish Council**

- 6.3. Ollerton and Boughton Town Council – no response received.

### **Representations/Non-Statutory Consultation**

- 6.4 No comments have been received from any third party/local residents.

## **7.0 Comments of the Business Manager – Planning Development**

- 7.1. The key issues are:
- Background
  - Principle of Development
  - Housing Type and Density
  - Impact on Heritage Assets and Visual Amenities
  - Impact upon Residential Amenity
  - Impact on the Highway Safety
  - Other Matters
- 7.2. 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

- 7.3 As the application concerns designated heritage assets (listed building and conservation area), sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.4 The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving 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.

### Background

- 7.5 Ollerton Hall has been empty and in a state of disrepair for many years. Planning permission was granted in 1990 to convert the building into a health care facility which included a single storey extension. This was implemented albeit the extension was built in the wrong place. A previous scheme for a more intensive conversion to 25 residential units by the previous owner was refused and dismissed on appeal 12 years ago.
- 7.6 Ollerton Hall is now back in the ownership of the District Council following years of uncertainty and a lack of progress on site by the previous owner. The unauthorised extensions have now been demolished. The Council as landowner has a new land deal with new developers (the applicants) and the building is being offered on a lease until such time that the development has progressed satisfactorily to a certain point, at which time, the building can be bought by the applicants.
- 7.7 However, for the avoidance of doubt, this planning application should be determined on its own merits in accordance with the Development Plan, unless there are material planning considerations that indicate otherwise.

### Principle of Development

- 7.8 This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application, the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted and-
- (a) If the authority decides that planning permission should be granted subject to conditions differing from those to which the previous permission was subject, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
  - (b) If the authority decides that planning permission should not be granted subject to the same conditions as those subject to the previous planning permission was granted, the authority shall refuse the application.
- 7.9 Whilst the application has defined which condition is sought to be varied, the local authority has the power to vary or remove other conditions, if they are minded to approve a new planning consent.
- 7.10 The NPPG is clear that any new permission should set out all conditions related to it unless they no longer have effect and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission – albeit in this case, the permission has already been implemented by the commencement of the development.
- 7.11 The principle of the development has already been established through the granting of the original permission for the development for 8 apartments in April 2023, subject to a number of conditions, and therefore the principle of the development is already approved and cannot be re-considered. Only the proposed alterations to the scheme can be assessed through this application.
- 7.12 The condition to be varied in this application is Condition 18 (the list of approved plans) to seek an amendment to the approved scheme to increase the number of apartments accommodated within the Hall from 8 to 10. No other alterations are proposed although an amended plan of the proposed cycle/bin store building has been submitted to show internal re-arrangements within the previously approved out-building to increase bin and cycle storage capacity. No alterations are proposed to on-site parking facilities and access arrangements.
- 7.13 The main issue to consider is whether it is appropriate to allow the variation of the condition to enable the alterations proposed and the key issue for consideration in this assessment is the impact of the proposed changes, compared to the previously approved scheme, on housing type and density, heritage assets, residential amenity and highway safety. There has been no significant material change in the Development Plan context since April 2023 however, there have been two new versions of the National Planning Policy Framework since then.

- 7.14 Ollerton is defined as a Service Centre in the District Council's settlement hierarchy and Spatial Policy 2 sets out that 30% of overall service centre growth is expected to be provided within the town. Ollerton has a good range of services and facilities as well as access to public transport. Located within the settlement, the conversion of the hall represents a windfall development where the provision of an additional 2 apartments is acceptable in principle and accords with the Development Plan, subject to any other site specific impacts being considered acceptable.

#### Housing Type and Density

- 7.15 Core Policy 3 sets out that the District Council will seek to secure new housing to adequately address the housing needs of the District through family housing of 3 bedrooms or more, small houses of 2 bedrooms or less and housing for the elderly and disabled population.
- 7.16 The District wide Housing Needs Survey from 2020 suggests the overall housing need in the Sherwood Sub Area (of which Ollerton is part) identifies limited housing for apartments, with a requirement of only 1.2% for 2 or more bedroom flats and no recorded need for 1 bedroom flats.
- 7.17 In this case, the proposal relates to the conversion of a Grade II\* listed building which somewhat constrains the density and type of units that can be accommodated. The proposed 10 unit scheme offers predominantly 1 bed apartments, comprising 6 x 1 bed units (two of which are at ground floor level), but it also provides 2 x 2 bed units, 1 x 3 bed unit and 1 x 4 bed unit. It is acknowledged that the current approved 8 unit scheme provides a greater variety in mix. The supporting Heritage Impact Assessment states that "the existing consented larger units have been deemed to be oversized and not fit for purpose in the current market climate."
- 7.18 These units will be unique and could appeal to a wide range of people including older persons and therefore, it is considered that this increase in numbers and alteration to the mix is appropriate given the constraints of the site.

#### Impact on Heritage Assets and Visual Amenities

- 7.19 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.
- 7.20 The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Section 16 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. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

- 7.21 Core Policy 9 and Policy DM5 detail a more general expectation for a high standard of design. Paragraph 135 of the NPPF states planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.22 The change from 8 to 10 units would be accommodated within the existing hall structure and would therefore be created through internal alterations only. As this is a high grade listed building, the main impact of these changes will be fully assessed in the associated listed building application that has just been submitted for consideration. However, given that the proposed ground floor plan changes (shown in the plan below) that one additional new opening would be created within the historic internal walls (identified in blue on the plan below) and one previously approved opening is now no longer being proposed (identified in green on the plan below), it is considered that the loss of historic fabric is not any greater in this amended scheme than in the previously approved scheme. (NB the openings marked in red have already been approved by the previous consent). The submission sets out that there would be no additional loss of historic fabric at first and second floor levels in this proposal compared to the consented scheme. However, as already explained, no internal proposals can be assessed within this application but will be considered in detail within the associated listed building consent application, which is at an earlier stage in its consideration process.



- 7.23 In relation to matters that must be considered by this submission of a 10 unit scheme, this application would result in minimal external alterations to the hall itself (some minor roof alterations only) and no changes to the external ancillary facilities within its grounds over and above that which was considered by the previous consented scheme where no harm was found to result on the setting of the listed hall or the character and appearance of Ollerton Conservation Area.

- 7.24 Therefore, with the same conditions imposed previously on the planning permission for the 8 unit scheme, (but as amended by the newly submitted plans and details of conditions that have already been discharged) the proposal would continue to bring about much needed repairs to the hall. Although as previously assessed, the siting of the out-building would have a moderately harmful impact on the setting of the hall (less than substantial harm in NPPF terms), when considered holistically, the scheme would achieve the minimum requirement of preservation and its new use would secure the viability of this high grade listed building into the future. The proposal would continue to preserve the character and appearance of the conservation area in accordance with Section 72 of the Planning (LB&CA) Act.

#### Impact upon Residential Amenity

- 7.25 The impact on proposed and existing residents is a key consideration in assessing new development as set out within Core Policy 9 and Policy DM5 of the Development Plan.
- 7.26 The proposed use of the hall in accommodating 2 additional apartments and a density of 10 units is considered to be acceptable and achieves an appropriate balance of making an efficient use of the hall whilst ensuring the site is not over-developed. All units are generously proportioned and meet the minimum nationally prescribed space standards for internal floor space. As previously approved, whilst future residents would not have access to their own private amenity space, the communal and extensive nature of the grounds is considered commensurate for the quantum of units.
- 7.27 As there is no proposed changes to the number and positioning of window openings within this scheme compared to that previously consented, the relationship to existing residential dwellings that lie around the site, continues to secure the amenities of nearby occupiers.
- 7.28 It is acknowledged that the additional 2 units has the potential to increase the comings and goings from the site as well as general disturbance from headlights and noise from car doors and gravel surfacing, it is not considered that this would have an unacceptable impact on the amenities of existing occupiers around the site to warrant refusal of permission. The proposal therefore accords with the relevant Development Plan policies in regard to living conditions of existing and future occupiers.

#### Impact upon Highway Safety

- 7.29 Spatial Policy 7 seeks to minimise the need for travel, provide safe, convenient and accesses for all including the elderly and others with restricted mobility, provide links to the existing network of footways, be appropriate for the network in terms of volume and nature of traffic and provide appropriate and effective parking provision amongst other things. Policy DM5 mirrors this. The Council's SPD on Residential Cycle and Parking Standards sets out guidance on design and quantum.
- 7.30 Vehicular access and on-site parking provision remains unchanged from the previous consented scheme. The Highway Authority raise no objection to the proposal, as although there is an increase of 2 apartments, the overall number of bedrooms provided has not increased and therefore on-site parking demand would also not

increase.

- 7.31 Therefore the number of parking spaces remain at 18. Based on the housing mix, the total number of spaces required would be 15. The spaces have been laid out in include soft landscaping (based on the 4:1 guidance) as recommended in the Council's adopted SPD. The proposal therefore continues to accord with the SPD in terms of both quantum and design and there would be 3 additional spaces available for visitors.
- 7.32 Based on the proposed housing mix, the quantum of covered cycle storage required by the SPD is 18 spaces, which is shown within the proposed outbuilding.
- 7.33 To conclude, the proposal remains to be acceptable from a highway safety and parking perspective and in line with policy expectations.

#### Other Matters

- 7.34 In terms of flood risk, the implementation of an 8 unit scheme or a 10 unit scheme within the hall has no greater impact for flood risk and as the previous application was found to be acceptable, so this matter need not be considered further.
- 7.35 In terms of impacts on ecology and trees, again, the proposed increase by 2 additional apartments results in no additional impacts on trees and biodiversity matters and subject to the same mitigating conditions, these matters need not be considered further. The previous scheme passed the 3 tests set out in Regulation 53 of The Conservation of Habitats and Species Regulations 2017 and as such there is no need to repeat that exercise again. As required by the previous application, prior to commencement of development, a European Protected Species Licence from Natural England was required and has been successfully obtained by the applicants to deal with the summer roost (brown long-eared and common pipistrelle) that was identified in the loft space.
- 7.36 Biodiversity Net Gain (BNG) – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as Section 73 applications where BNG was not a requirement on the original planning application, as is the case here.
- 7.37 For this size of development, the Developers Contributions and Planning Obligations SPD would normally require contributions to affordable housing, community facilities, libraries, Natural and Semi-Natural Green Space and Suitable Alternative Natural Green Space (SANGS) have not been offered as part of the proposed development. However, the submitted report by a professional surveyor, sets out that in order to make the conversion of this high Grade II\* listed building financially viable, there is a need to provide a minimum of 10 units. The additional, previously unknown, structural support required to make the building sound, together with the very poor

condition of the building that has been discovered since works commenced, has resulted in costs significantly increasing beyond what was expected. The Council's professional surveyor has confirmed that the requested change from 8 to 10 apartments will generate a slightly increased gross value to the development, however this will in the main be offset by the increased restoration, structural and conservation increased costs. They therefore recommend that no additional costs are added to the revised proposal by way of the usually required S106 contributions, to ensure the project is delivered by the developer. As a result, it is considered that the lack of any developer contributions normally required represents a negative against the scheme that must be weighed in the overall balance of the benefit of securing the viability of this highly significant heritage asset into the future. It is considered that in this case, the potential for redevelopment not being completed and further deterioration and ultimate loss of this Grade II\* listed building would represent exceptional harm and the positive weight of securing a viable long-term use for this building of high historic and architectural interest into the future, outweighs the harm caused by the lack of developer contributions.

## **8.0 Implications**

- 8.1. 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**

- 9.1. The principle of the conversion of the listed hall into residential use has already been established through the current consented scheme. The only matter that this application can therefore consider is whether the proposed increase in units from 8 to 10 would result in any unacceptable harm.
- 9.2. The siting of the proposed out-building has been identified to cause harm (albeit at the lower end of less than substantial harm) to the setting of the listed building as was acknowledged and considered in the previous application and weighed in the balance. No additional harm has been identified through the consideration of this application in terms of the principle of the development, the housing type and density, impacts on heritage assets, residential amenity and highway safety and no difference is made to impacts on flood risk, ecology and trees.
- 9.3. It has been demonstrated that in financial viability terms, due to the previously unforeseen poor structural and fabric condition that has been discovered through the commencement of development, that there is a need to increase the number of residential units. This increase to 10 units has resulted in many more Developer Contributions being triggered and it is the lack of any of these provisions that weighs against the proposed scheme. However, it is considered that the benefit of securing a new use for this Grade II\* listed building and ensuring its long term future outweighs the harm caused by the lack of developer contributions in this case. A recommendation to grant planning permission is therefore offered to Members,

subject to the conditions set out below. For ease of reference, the strikethrough text of the originally composed conditions are listed with up-dated details of new plans and those already discharged set out in bold text.

## **10.0 Conditions**

~~01-01~~

~~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.~~

**Prior to the re-tiling of the inner roof slope on the rear elevation roof pitch of the Hall, a sample of the roof tile shall be submitted to and approved in writing by the Local Planning Authority. The re-tiling shall be completed in accordance with the agreed tile prior to any occupation of the apartments hereby approved.**

**Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.**

02

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

- External windows including roof windows and dormers, external doors and their immediate surroundings, including details of glazing and glazing bars;
- Treatment of window and door heads and cills;
- Rainwater goods;
- Coping;
- Extractor vents;
- Flues;
- Meter boxes;
- Airbricks;
- Soil and vent pipes;
- Aerials and satellite dishes;
- Chimney pots;
- Any other external accretions

**Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.**



03

No development shall be commenced in respect of any external gates (including piers and any remote/automatic operating systems) until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Vehicular access gates shall only open inwards. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building and in the interests of highway safety.

04

Prior to first occupation of the apartments hereby approved, details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity and nature conservation.

05

Prior to first occupation of any of the apartments hereby approved, a Schedule of Works and Repair Methodology shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall also detail any replacement to existing materials. The agreed Schedule of Works and Repair Methodology shall be implemented in full prior to first occupation.

Reason: In the interests of ensuring that the heritage benefits of restoring the listed building are realized in a timely manner and in the interests of amenity.

06

No development shall be commenced until details of the extent of the re-pointing of the building, have been submitted to and agreed in writing by the Local Planning Authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

07

All works and/or development taking place to the Hall shall be in full accordance with the mitigation and compensation strategy outlined in the Bat Activity Surveys by Morph Ecological Consultants (dated November 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the bat roosts identified within the building.

08

No works or development shall take place in respect of the construction of the associated car parking areas until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

09

Notwithstanding the approved plan (~~ref no. 21-018-PL-203A~~) **(General Arrangement Bike/Bin Store, Elevations, Section, drawing no: 21-018\_PL1\_203)** the weatherboarding material shown on the Bike and Bin Store is not approved and no development above damp proof course shall take place until manufacturers details (and samples provided upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area and the setting of the listed building. For the avoidance of doubt, red brick is considered an appropriate alternative to the weatherboarding.

010

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

- External doors and their immediate surroundings;
- Treatment door heads and cills;
- Eaves;
- Wet bedded ridge;
- Rainwater goods.

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

011

No development above damp proof course of the Bike and Bin Store shall take place until a brick sample panel, showing brick bond, mortar and pointing technique has been provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To preserve the setting of the listed building and to preserve or enhance the character and appearance of the Conservation Area.

012

Notwithstanding the approved landscape strategy, the viewing platforms/jetties adjacent to the river are not approved.

Reason: Insufficient details have been provided to be able to assess the implications of these and the impacts on water voles and otters.

013

Prior to first occupation of the apartments hereby approved, full details of both hard and soft landscape works (which shall build upon the landscape strategy and ecological submissions already submitted) shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

- proposed finished ground levels or contours;
- means of enclosure (including new boundaries and any alterations or repairs to existing boundaries including coping and capping details);
- car parking layouts and materials (the area immediately in front of the access point/gates and the back edge of the footpath shall be provided in a bound material rather than loose gravel);
- other vehicle and pedestrian access and circulation areas;
- any other hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs etc proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of residential and visual amenity and biodiversity.

014

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

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

015

Prior to first occupation of any of the apartments hereby approved, the following shall be provided on site and shall be available for use for the lifetime of the development: 3 electric charging points, 18 car parking spaces and ~~14~~ 18 cycle storage spaces.

Reason: In the interests of highway safety and sustainable travel.

~~016~~

~~No ground clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority.~~

~~Reason: To ensure that adequate provision is made for the protection of nesting birds on site.~~

~~017~~ 016

Prior to first occupation of the apartments hereby approved, a minimum of 6 artificial bird nests shall be provided within the site, full details of which (precise siting including height and design) shall be first agreed in writing by the Local Planning Authority. The installed bird nest boxes shall be retained on site for the lifetime of the development.

Reason: In order to provide adequate compensation for the bird's nests to be lost in the interests of nature conservation.

~~018~~ 017

Prior to first occupation of the apartments hereby approved, a Scheme of Ecological Enhancement and Habitat Creation shall be submitted to and be approved in writing by the Local Planning Authority. This shall build upon the Landscape Strategy, the Preliminary Ecological Appraisal and the Bat and Reptile Surveys undertaken and submitted in support of the application and shall also include the removal of invasive plant species identified on site. The approved scheme shall be implemented on site to a timetable that shall be embedded within it and shall be thereafter retained for the lifetime of the development.

Reason: In the interest of nature conservation and to comply with policies DM7, CP12 and the NPPF.

~~019~~

~~Reasonable avoidance measures in respect of nature conservation shall be employed when clearing the site in line with the recommendations set out at Parts 4.2.2 of the Bat Activities and Reptile Surveys dated November 2022 by Morph Ecological Consultants and in Parts 5.1.6 and 5.1.7 of the Preliminary Ecological Appraisal by the same author.~~

~~Reason: In order to avoid adverse impacts to protected species that could be present on site.~~

~~020~~ 018

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

Site Location Plan, drawing no. 21-018-PL-200 Rev B

Proposed Site Plan, drawing no. 21-018-PL-201A Rev C

~~Proposed Bike and Bin Store, drawing no. 21-018-PL-203A~~

**General Arrangement Bike/Bin Store, Elevations, Section, drawing no: 21-018\_PL1\_203**

General Arrangement Basement Floor Plan as Proposed, drawing no. 21-018 PL-204 Rev A

~~Proposed Ground Floor Plan, drawing no. 21-018-PL-205 Rev D~~

**Proposed Ground Floor Plan, drawing no: 21-018\_PL1\_205 Rev A**

~~Proposed First Floor Plan, drawing no. 21-018-PL-206 Rev C~~

**Proposed First Floor Plan, drawing no: 21-018\_PL1\_206 Rev B**

~~Proposed Second Floor Plan, drawing no. 21-018-PL-207 Rev E~~

**Proposed Second Floor Plan, drawing no: 21-018\_PL1\_207 Rev A**

~~Proposed Roof Plan, drawing no. 21-018-PL-208 Rev D~~

**Proposed Roof Plan drawing no: 21-018\_PL1\_208 Rev B**

**Sketch Showing 10 Unit Scheme – Ground Floor, drawing no: 21-018**

**Sketch Showing 10 Unit Scheme – First Floor, drawing no: 21-018**

**Sketch Showing 10 Unit Scheme – Second Floor, drawing no: 21-018**

Proposed South East Elevation, drawing no. 21-018-PL-215 Rev B

Proposed North East Elevation, drawing no. 21-018-PL-216 Rev B

Proposed North West Elevation, drawing no. 21-018-PL-217 Rev B

Proposed South West Elevation, drawing no. 21-018-PL-218 Rev C

Proposed Inside Wing Elevations South West Elevation, drawing no. 21-018-PL-219 Rev C

Proposed Staircase Details, drawing no. 21-018-PL-310 Rev C

Proposed New Sash Window Details, drawing no. 21-018-PL-347 Rev A

Proposed New Sash Window Details, drawing no.21-018-PL-348 Rev A

Proposed New Sash Window Details, drawing no. 21-018-PL-349 Rev A

Proposed New Sash Window Details. drawing no. 21-018-PL-350 Rev B

Proposed New Sash Window Details, drawing no. 21-018-PL-351 Rev B

Proposed New Dormer Window Details, drawing no. 21-018-PL-352 Rev A

Amended Landscape Strategy, drawing no. 22.01730.001 Rev C

Proposed Drainage Strategy, drawing no. 5968-DR-01 Rev P1

~~Heritage Impact Assessment, Berrys, February 2023~~

**Heritage Impact Assessment dated 28 Jan 2025**

RIBA Stage 3+ fire safety strategy, March 2023

Acoustic Design Advice from ENS dated 8 December 2022

Preliminary Ecology Appraisal, Morph Ecological Consultants June 2022

Bat Activity and Reptile Surveys

Design and Access Statement Rev D, Brick Architects, February 2023

Flood Risk Assessment, KSA Consulting, May 2022

Reason: So as to define this permission.

### Informatives

01

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

02

The associated listed building consent (ref: 25/00163/LBC) should be read in conjunction with this permission.

03

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/](http://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.

04

The development hereby approved shall be carried out in full accordance with the European Protected Species Licence already obtained from Natural England.

#### BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 25/00048/S73

