

## **PLANNING COMMITTEE – 4 SEPTEMBER 2018**

Application No:	18/00474/FULM (MAJOR)		
Proposal:	Proposal to convert existing Water Tower into 2 dwellings (apartments), with 11 additional new build apartments on the same site		
Location:	Land At The Water Tower, Goldstraw Lane, Fernwood		
Applicant:	Mr Harman Kalsi		
Registered:	19 March 2018	Target Date: 18 June 2018	
	Extension of Time Agreed Until 7 September 2018		

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

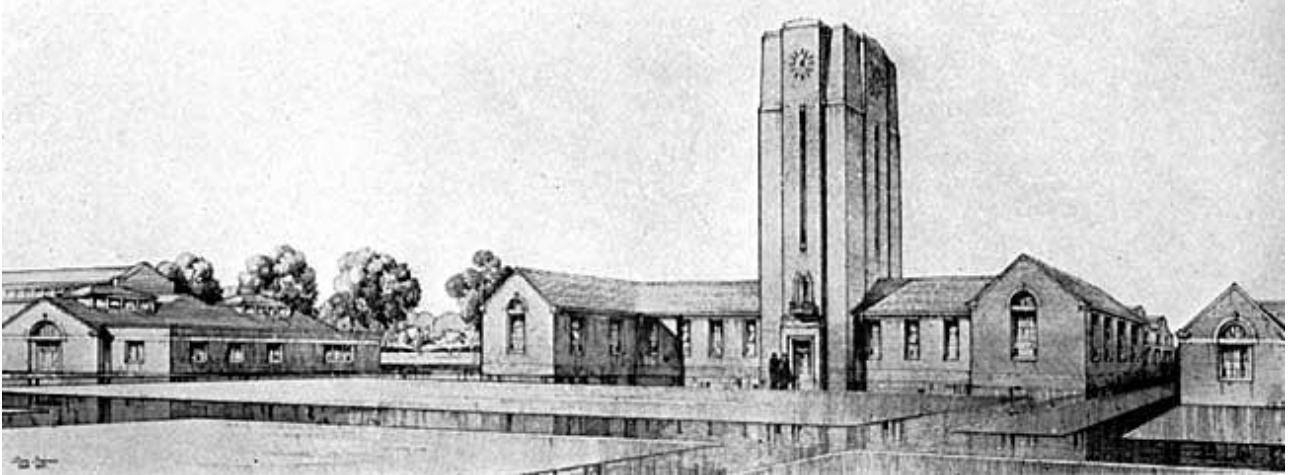
### **The Site**

The application site is situated within the existing Fernwood housing development within the defined Newark Urban Area, to the south-east of the town and on the eastern side of the A1. This residential development has been erected on the former Balderton Hospital site and this powerhouse tower (known locally as the Fernwood water tower) is the last remaining structure standing of the former mental institution.

Construction of the tower appears to have started in the 1930s, but wartime halted construction when a large Victorian house on the site was used by officers from Balderton airfield. Work recommenced in 1945 but was not finally finished until 1957- when it was opened by the Minister of Health Enoch Powell. It was built as a chimney, not a water tower. Side wings have been demolished but scarring on the structure remain where they once attached. The architecture of the tower design is reminiscent of the Home Ales Office tower in Arnold (Nottingham) which was designed by T.C Howitt (1936) - the central portion of the Arnold building is a water tower and has a similar clockface. The Balderton tower is architecturally more elegant in its form. The structure is considered to be a non-designated heritage asset due to its local historic and architectural interest and is registered as such on the Historic Environment Record (HER).

The tower has been unused for some years and measures 26.6m in height and has a footprint of 70 square metres and sits in an L-shaped 0.15 hectare site. The tower is roughly square in shape and is constructed of red brick in an art deco style. It is currently bounded on all sides by a 2m high close boarded timber fence. It is surrounded by existing residential development on three sides (mostly two-storey, but three and four storey on the opposite side of Goldstraw Lane) and the southern boundary fronts Goldstraw Lane. Its presence and form has impacted on the layout, structure and vistas of the new development. The tower forms a distinct landmark focal point at the head of Ruby's Walk, which forms a central pedestrian walkway which links with the only

other historic building on the larger development site, Balderton Hall.



### Relevant Planning History

PREAPP/00292/16 - Conversion and renovation of existing water tower into apartments and new build to include 11 new dwellings (Apartments).

15/00009/FUL - Demolition of existing tower and erection of 7 new dwellings, refused 03.03.2015 for the following reasons:

1. The proposed development would result in the total loss of the existing Tower which represents a non-designated heritage asset that is of local historic and architectural interest. In addition, no adequate justification has been evidenced within the submission in terms of

marketing and viability to demonstrate that the building cannot be converted to a viable new use. As such the proposal is contrary to Core Policy 14 of the Core Strategy DPD and Policy DM9 of the Allocations and Development Management DPD.

2. Plots 2 and 6 of the proposed development would, by reason of their proximity and relationship, result in a detrimental impact on the privacy and outlook of future occupiers of both units. As such, the proposal is contrary to Policy DM5 of the Allocations and Development Management DPD and the NPPF.

3. In the absence of a Protected Species Survey, the application has failed to adequately demonstrate that the proposal would result in the conservation and enhancement or adequate mitigation of biodiversity. As such the proposal is contrary to Core Policy 12 of the Core Strategy DPD and the NPPF.

07/01335/FUL - Full planning permission for proposed conversion of and extension to disused water tower to form restaurant and bar (A3 & A4 use) (Re-submission). Approved 23.11.2007.

03920421 - Outline planning permission for village to include residential, retail A1, A2, A3, Business B1, school, village hall and roads. Approved subject to a S106 agreement 03.03.1999. Condition 3 attached to the permission stated that the Water Tower and Balderton Hall shall not be demolished.

The Balderton Hospital Planning Brief also sought to retain the Water Tower and the Hall and alluded to the tower being more suited for commercial purposes due to its size and design.

### The Proposal

Full planning permission is sought for the conversion of the existing tower and new build development to provide a total of 13 residential units. This comprises:

- 2 apartments (two 2-bed) one above the other, within the existing water tower,
- 3 apartments (one 1-bed; two 2-bed) within two storey wings to be constructed either side of the tower; and
- 8 apartments (two 1-bed; six 2-bed) within two separate two-storey blocks to the rear of the site.

The left hand wing attached to the water tower provides access via an undercroft through to the two rear courtyard blocks. There is a total of 19 on-site parking spaces provided to serve the 13 units, seven are provided along the frontage with Goldstraw Lane, one within the undercroft and the rest are to the rear of the site. The undercroft is decorated by art deco-style gates.

The existing water tower has solid walls 750mm thick and has a narrow vertical glazing panel within each elevation and a clock face at the top (apart from the rear elevation where there is a round glazed opening). The proposed external alterations to the water tower are limited to increasing the size of the vertical opening in the rear elevation in order to provide additional internal light.

Internally, whilst the Structural Appraisal sets out that the tower has five floors (in addition to a

basement of unknown depth), not all storeys have an existing floor. Between the first floor and fourth floor level, the structure is open. The existing internal floors are constructed in reinforced concrete and are currently limited to ground, first and fourth floor only. The proposal therefore includes the insertion of internal floors to provide a total of 8 floors, above the entrance hall the next 3 floors comprise the lower apartment and the top 4 floors comprise the upper apartment. To give an idea of internal floor areas of rooms, the smallest bedroom is 13 sq m, with the smallest living/dining area of 21 sq m. Internal access is provided by an internal lift which would serve floors 0 (to access the lower apartment) and 5 (to access the upper apartment). In addition, a main internal staircase is proposed that provides separate access to all floors (apart from the top floor) and then within each apartment there are other staircases that provide private movement between floors.

The two new wings attached to the tower reflect the position of previous historic additions. They measure approx. 9.5m in width either side of the tower, approx. 9.2m in depth and approx. 8m in height. The left hand wing is positioned 1.3m off the south-western common boundary and the right hand wing is approx. 0.9m off the north-eastern common boundary. The principle window openings are in the front and rear elevations with one small first floor window in each of the side elevations. They are designed to reflect the 1930's art deco style of the tower and would be constructed in red brick to match the tower.

The two proposed courtyard blocks are positioned on the site to represent a continuation of the layout of built form of existing housing outside the site. The new build elements have flat roofs approx. 6.5m in height. Block 1 positioned in the narrowest part of the site is mostly rectangular in shape and measures approx. 16.4m wide by 7.8m along the narrow end gable. This block is positioned directly adjacent to the site boundaries. Block 2 positioned to the rear of the tower is T-shaped and measures approx. 14.6m wide by 6m deep with the rear element measuring approx. 11.4m long by 5.8m deep. This Block is positioned directly adjacent to the rear boundary of the application site. Both these new blocks are designed to reflect the 1930's art deco style of the existing water tower but are proposed to be constructed of a white render finish.

Supporting information submitted include the following:

- Design and Access Statement;
- Structural Appraisal;
- Protected Species Survey; and
- Economic Statement.

The plans considered by this application are listed below:

- Site and Location Plans (Drawing No: A100);
- Ground Floor Level (Drawing No: 1076/A101);
- First Floor Level (Drawing No: 1076/A102);
- Water Tower Layouts (Drawing No: 1076/A108);
- Roof View (Drawing No: 1076/A109);
- Elevations 1 of 4 (Drawing No: 1076/A110);
- Elevations 2 of 4 (Drawing No: 1076/A111);
- Elevations 3 of 4 (Drawing No: 1076/A112);
- Elevations 4 of 4 (Drawing No: 1076/A113);
- Parking (Drawing No: 1076/A117);
- Refuse Strategy (Drawing No: 1076/A118);
- Flat GIA (Drawing No: 1076/A119); and

- Shadow Cast (Drawing No: 1076/A120).

### Departure/Public Advertisement Procedure

Occupiers of 63 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.

### **Planning Policy Framework**

#### **The Development Plan**

#### **Fernwood Neighbourhood Plan (made 28 September 2017)**

NP1 – Design Principles for New Development  
 NP2 – Housing Type  
 NP3 – Residential Parking on New Development  
 NP5 – Green Spaces, Landscaping and Biodiversity  
 NP6 – Protecting and Enhancing Heritage Assets  
 NP7 – Supporting Better Movement and Connections

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 – Settlement Hierarchy  
 Spatial Policy 2 – Spatial Distribution of Growth  
 Spatial Policy 7 – Sustainable Transport  
 Core Policy 1 – Affordable Housing Provision  
 Core Policy 3 – Housing mix, Type and Density  
 Core Policy 9 – Sustainable Design  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 Core Policy 14 – Historic Environment  
 NAP1 – Newark Urban Area

#### **Allocations & Development Management DPD (adopted July 2013)**

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

### **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance (on-line resource)
- Newark and Sherwood Amended Core Strategy 2017
- Newark and Sherwood Developer Contributions and Planning Obligations SPD 2013

## Consultations

**Fernwood Parish Council – Object.** “The Parish Council believes that 19 car parking spaces will be insufficient for 13 properties. Goldstraw Lane already suffers from inconsiderate parking and is congested; this development would be likely to lead to more cars being parked on the road. The Fernwood Neighbourhood Plan, section 14 and building for Life 12, section 10 outline the need for anticipating car parking demand.

Further Feedback – The Parish Council welcomed the development and designs for the tower, recognizing this as a good way to use and maintain it. If the number of parking spaces could be increased sufficiently, the Parish Council would be in favour of the application (Councillors estimated that each property would have 2 cars).”

**NCC Highways Authority – Comments received 30.05.2018**

### “Additional information

Following my previous comments dated 23 April, the agent has confirmed that the number of apartments is not to be reduced, that a parking barrier could be installed at the access to the site and a parking management agreement could be introduced for the expected residents.

These do not address the concerns raised, therefore, it is recommended that this application be refused for the following reason:

The proposed development fails to make adequate provision for the parking/manoeuvring of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to vehicles being parked on the public highway/footway.”

Comments received 24.03.2018 -

“This proposal is for the conversion of the existing water tower into 2 dwellings and the construction of 11 new build apartments – 3 x 1 bed and 10 x 2 bed units. There are 19 parking spaces proposed within the site curtilage and no additional provision for visitors. There is the concern that this number would be insufficient for this use, and would result in further on street parking in an area where considerable on street parking already exists.

The layout as shown on plan no. 1076/A117 for many of the parking bays involves a parallel parking arrangement which does prevent the free flow of vehicles whilst manoeuvring takes place. This is particularly so for bay 7, adjacent the main access, and bay 8, adjacent the main driveway to the rear of the site.

Is there a possibility that the number of units could be reduced to ensure the level of parking is adequate for the site?”

**NSDC, Conservation –** “The tower is the last remaining part of the Balderton mental institute, namely the iconic power house (locally known as Fernwood water tower). The structure is a Local Interest building and is considered to be a non-designated heritage asset due to its local historic and architectural interest.

The retention of the tower was secured via a section 106 agreement relating to the redevelopment of the wider hospital site. Nevertheless, we recognise that there are complex structural and viability issues to consider.

### Legal and policy considerations

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 National Planning Policy Framework (NPPF) makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). In accordance with Annex 2 of the NPPF, Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### Significance of heritage asset

Fernwood Hospital Tower is included in the HER (ref 3.3.17). It is identified as a powerhouse with the following description: "Powerhouse/clocktower dating to the 1930's development of the hospital site. A square tower built of brick in an art deco style".

The tower comprises red brick walls in a distinctive Flemish bond and is approximately 26m in height. The internal floors are constructed in reinforced concrete. There are long vertical slits within the walls.

Construction of the tower appears to have started in the 1930s, but wartime halted construction when a large Victorian house on the site was used by officers from Balderton airfield. Work recommenced in 1945 but was not finally finished until 1957 when it was opened by the Minister of Health Enoch Powell. The side wings have been demolished (these can be seen in the attached image and evidenced by the scarring in the side walls of the tower).

Although the tower has lost much of its context, the structure remains an iconic landmark structure. The architecture of the tower design is reminiscent of the Home Ales Office tower in Arnold (Nottingham) which was designed by T.C Howitt (1936), noting that the central portion of the Arnold building is a water tower and has a similar clock face.

Ultimately, the Balderton tower is architecturally elegant in its form and contributes positively to the character and appearance of the local area.

### Assessment of proposal

The submitted scheme proposes to convert the tower into two apartments. Two new wings will be erected on either side of the tower with additional new build on the site forming a total of 11 further residential units.

Conservation acknowledges that the applicant has spent considerable time developing ideas for the site, indicative plans for which have previously been discussed with the Conservation Team. We are happy to confirm therefore that the current submission accords with advice we have previously given (ref PREAPP/00292/16).

The structural report substantiates the claim that the tower is capable of conversion. Conservation considers that there is clear benefit in finding a viable new use for the building.

In the context of the housing redevelopment around the tower, the prospect of suitably designed further development around the tower is acceptable. The concept of two side wings to the tower

has a historic basis, noting the presence of previous wings in this location (see historic sketch drawing attached showing previous single storey side wings).

The proposed conversion of the tower has been well-thought out given the constraints imposed by the structure. The new side wings, furthermore, have a strong art deco feel which sits comfortably in this context. The limited scale of the proposed wings and the glazed connections help to maintain the primacy of the tower, and the design and detailing of the new additions compliment the architecture of the tower. In addition, it is noted that the undercroft is a clever way of providing access to the rear whilst maintaining the balance of the wings. The gates proposed reference the art deco character, helping to maintain the positive appearance of this key elevation.

The new build at the rear continues the art deco character of the proposed side wings. Given the constraints of the plot shape and the neighbouring residential development, the proposed layout is considered to be acceptable. Fundamentally, the scale, form and design of the new build is considered to sustain the significance of the heritage asset.

#### Summary of opinion/recommendation

The proposal sustains the architectural interest of the heritage asset and therefore complies with heritage objectives contained within CP14 and DM9 of the Council's LDF DPDs. The proposal also complies with heritage advice contained within section 12 of the NPPF, notably paragraph 135.

If approved, precise details of the facing materials, window schedule (with particular regard to main front elevation), gate design/specification, schedule of external works to water tower and a brick panel for the front elevation of the new wings of tower, should all ideally be conditioned. In addition, a basic level 1 recording of the building (photographic) should be submitted along with the existing drawings, all to be submitted to the County HER (in accordance with paragraph 141 of the NPPF)."

**NSDC, Environmental Health (Contaminated Land)** – "The application site is located within the former Balderton hospital. Historic mapping/plans indicate that the former building on this part of the site housed an incinerator, boiler house and workshops and was also used for oil storage.

Due to these previously contaminative uses and if no desk top study has been submitted prior to, or with the planning application, then I would request that our full phased contamination condition be attached to the planning consent."

#### **Independent Viability Assessor –**

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

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

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



The detailed methodology to assess the economic viability of development is set out in ‘Viability for Town Planners Guidance Notes.’

### Key Assumptions

GENERAL		
Net Developable Site Area		0.16Ha
Development Scenario		Brownfield
Total Unit Numbers		13
AREAS		
Net Residential Sales Area	Houses	539sqm
	Apartments	397sqm
Gross Construction Area	Houses	539sqm
	Apartments	397sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	Houses	£2200sqm
	Apartments	£2000sqm
CONSTRUCTION COSTS		
	Houses	£1289sqm
	Apartments	£1431sqm
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Costs		£91,848
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		-£85,142
Existing Land Use Value	Based on EUV £370,000Ha	£231,500
Share of Uplift in Land Value to Landowner		NA

Land Value Allowance in Viability Appraisal		£100,000
<b>OTHER FEES &amp; COSTS</b>		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		3.0%
Contingencies		5.0%
CIL		£24,255
Planning Obligations		£0
<b>FINANCE COSTS</b>		
Interest		5%
Arrangement Fee		1%
<b>DEVELOPMENT PROFIT</b>		
Development Profit Return on GDV	Market Housing	20%
	Affordable Housing	6%

### Assumptions Comments

The viability assessment submitted by the applicant is dated October 2016. As such all cost and value assumptions are considered to be out of date. The only cost assumption used in the Council's appraisal is the applicant's estimate of abnormal costs to refurbish the external envelope of the water tower at £91,848. This is based on a detailed structural survey and is considered reasonable.

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

For the purpose of the initial appraisal, no Sec106 Contributions or Affordable Housing obligations were included. CIL charges have been applied to the new build element of the scheme.

A sales rate of £2000 sqm has been applied to the Water Tower Apartments. The new build courtyard development consists of duplex terraced houses rather than apartments and an enhanced sales rate of £2200sqm has been applied.

Current BCIS construction cost rates have been applied with a reduced allowance of 5% for external areas to reflect the constrained nature of the site.

The initial residual land value appraisal indicated a negative figure of -£85,000. It is acknowledged that some value must be placed on the land in this type of appraisal so a nominal figure of £100,000 has been adopted.

### Viability Results & Conclusions

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

The appraisal indicates negative viability of -£219,111 with no infrastructure or affordable housing contributions.

The Water Tower development is complex and sale values for apartments in this location are not likely to generate a premium. The new build element of the scheme is not sufficient to subsidise the abnormal Water Tower restoration costs and it is recommended that affordable housing and infrastructure contributions would not be economically viable.”

**NSDC, Community Facilities** – No response received.

**NSDC, Parks and Amenities** – No response received.

**NSDC, Strategic Housing** – No response received.

**NSDC, Waste** – No response received.

**Representations have been received from 3 local residents/interested parties 2 objecting to the application which can be summarized as follows:**

- 11 new builds on this site is far too many, 4-5 would be enough;
- Not enough car parking would be provided to an area that is already overcrowded;
- The development would over-shadow surrounding houses and block all sunlight to houses on the east side of the development;
- It will result in a loss of privacy with large windows overlooking existing housing;
- This part of the main road is already heavily parked due to the existing apartments blocks which means buses are unable to stop at the stops they should and pull up in front of houses;
- As the Water Tower is Fernwood’s landmark sight, seen from the A1 and many miles in each direction, it would spoil the character of this old building;
- The tower should be preserved and the Land put to better use as open space/parkland especially when there are already plans for more houses to go up to the east of the village;

**One supporting stating that this is a great use for both the former water tower and the surrounding land.**

### Comments of the Business Manager

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 28 September 2017 Newark and Sherwood District Council adopted the Fernwood Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Fernwood. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

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

### Principle of Development

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

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

### Background/Planning History

Fernwood sits on the former Balderton Hospital site, whose redevelopment was set out in a Planning Brief for the site produced by Newark and Sherwood District Council. The Brief identified buildings of merit, including Balderton Hall and the Water Tower which were to be retained. This was reinforced by Condition 3 attached to the original planning consent (Ref: 03920421) which stated that these two buildings shall not be demolished. Indeed, the importance and significance of these two buildings is also clearly evident from the existing layout of new housing development where Ruby's Walk provides a vista, elongated space that links these two buildings together spatially. In 2007, the Tower gained planning permission for conversion and extension to form a restaurant and bar use (Class A3 and A4). This consent has now lapsed, however, it does demonstrate that the building and site can be redeveloped and achieve an acceptable use. The significance of the Water Tower is also identified within the Fernwood NP.

The history of the Water Tower itself is set out in the Conservation officer's comments above and recognizes that the Tower is a non-designated heritage asset and also a building of local importance with visual landmark status around the wider area. This is set out in more detail below.

### Housing Density, Mix and Need

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

Excluding the proposed apartments within the water tower, the scheme of 11 new build apartments on 0.15 hectares equates to 73 dwellings per hectare. Clearly this is somewhat above the considered "average densities" expected in urban areas such as this. However, it is considered that this reflects the following three issues, firstly, the proposed apartment development will always result in higher densities compared to ground based housing, secondly, that the limited area of the site is constrained and restricted by surrounding development and thirdly that the level of units provided must be sufficient to support the financial burden of the repair and conversion of the water tower.

Section 11 of the NPPF is entitled "Making effective use of land" (para 117) states that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 118 goes on to state that planning policies and decisions should, amongst other criteria, give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate derelict land as well as promote and support the development of under-utilised land and buildings. Section 11 then goes on to refer to achieving appropriate densities and should support development that makes efficient use of land, taking into account a range of criteria including, the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change and the importance of securing well designed, attractive and healthy places.

The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the need of groups with specific housing requirements are addressed.

Paragraph 68 of the NPPF states that "Small and medium sized sites can make an important contribution to meeting housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites, local planning authorities should," amongst other criteria, "support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes."

It also states in paragraph 61 of the NPPF that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

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

Core Policy 3 states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including the elderly and disabled population. It says that mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information. The Publication Amended Core Strategy has, based on more up to date evidence, named that the greatest need for the District as being smaller houses of 2 bedrooms or less and housing for the elderly or disabled population. NP2 of the Neighbourhood Plan states that "Development proposals for housing schemes are required to deliver a housing mix that reflects the need in the Strategic Housing Market Assessment 2015 (or equivalent). This should include smaller market dwellings to suit older people that will also be suitable for younger people as first time buyers."

This proposal would provide 10 x 2 bedroom apartments and 3 x 1 bedroom apartments. Whilst there is a limited mix in terms of the number of bedrooms, I am satisfied that the scheme would deliver units that meet the most up to date identified needs for the district in a sustainable location. The 5 ground floor apartments with accommodation only on the ground floor would potentially be suitable for the elderly or disabled population and the remaining units are likely to be ideal for younger first time buyers.

I therefore conclude that the scheme meets with the policy aspirations of CP3 and NP2, and although represents a high density, is considered to be acceptable and reflects the local need and mix requirements.

#### The impact on the character and appearance of the area (including Design and Heritage)

Core Policy 9 requires that developments achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals and states that where local distinctiveness derives from the presence of heritage assets, proposals will also need to satisfy DM9. 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 and seek to secure their continued protection or enhancement, as well as contributing to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place.

The NP recognizes that the Water Tower is a non-designated heritage asset that is at risk as it has been unused for 50 years and that new uses can often be the key to a building's preservation. Policy NP6 of the Neighbourhood Plan states that proposals that require a change of use of a heritage asset at risk will be considered favourably where all of the following can be demonstrated:

- a. there is no reasonable prospect of the original use being retained or reinstated; and
- b. the proposed development would represent a viable use that would secure the future heritage asset; and
- c. where the proposed use is not for residential purposes, the proposed use will help to support a prosperous rural economy; and
- d. the change of use will not be detrimental to the significance of the heritage asset and its setting.

The NPPF states at paragraph 197 that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

The Tower is considered to have both historic and architectural interest. Historically it is a physical representative of the site's past and contributes to the area's sense of place and individuality. The structure has considerable local importance in terms of its contribution to local character and distinctiveness. Architecturally, the Tower has an art-deco design, which recognizes the era in which it was designed and is reminiscent of the Home Ales Office tower in Arnold (Nottingham) which was designed by T.C Howitt (1936). Its completed construction after the Second World War means that it was probably one of the latest power houses commissioned prior to the nationalization of electricity supply and such structures were characteristic in providing power to large institutions, which in this case was Balderton Hospital. Its architecture therefore also reinforces the individual sense of place.

In terms of its significance, the Tower is representative of the historic art-deco architectural trend of the 1930's. Its height and simple (but brutal-like) form also provides some aesthetic appeal, which is celebrated and emphasized by its positioning at the head of Ruby's Walk as a striking feature at the end of this vista. However, it is also acknowledged that the Tower has lost its historic context.

The Structural Appraisal submitted with the application states that the structure is in sound condition and is capable of conversion.

The views of Council's Conservation Officer are set out above and Members will see that they are supportive of the scheme and that there is a clear benefit to securing a viable use for this non-designated heritage asset which has remained vacant for many years. Having identified the positives of the design and layout of the scheme the Conservation officer concludes stating that the “scale, form and design of the new build is considered to sustain the significance of the heritage asset.” I concur with this view.

In addition to the benefit to the heritage asset itself, it is also acknowledged that the retention and re-use of the building in this way would reflect the importance of the tower to its wider setting and its landmark location at the end of Ruby's Walk within the estate as well as its significance as a landmark building from beyond the village of Fernwood.

With regards to the proposed development within the rest of the site, the scale and layout reflects that advised during pre-application discussions and the design and detailing captures the essence and flair of the 1930's art deco movement and would provide great interest architecturally and renew the prominence and focus of the site within the streetscene and the wider area. The proposed new development would make a positive contribution to local character and distinctiveness and both the NP and one of the representations received demonstrate the importance of the Tower in providing Fernwood with a distinctive identity that is very important to the local community. However, it is acknowledged that the new wings are approx. 8m in height compared to the existing two storey houses either side of the site with a ridge height of approx. 6.6m, however, this difference would be less obvious with the set back from the road. The position of the tower set back from the road frontage has led to parking provision along the main frontage of the site, which is at odds with NP1 of the Neighbourhood Plan which states that the layout should integrate car parking into the scheme so that it does not dominate the street. The submitted plan also shows planting along the footway verge to soften and mitigate this harm.

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

#### Impact on residential amenities

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers and states that development proposals should ensure no unacceptable reduction in amenity including over bearing impacts, loss of light and privacy. The NPPF seeks to secure a high standard of amenity for all existing and future users.

The site is confined and constrained by the siting of existing residential development that surrounds it, the majority of which is two storey, apart from the three and four storey flat development on the opposite side of Goldstraw Lane. Careful consideration has been given to the impacts of the scheme and I consider these further below.

#### *The two apartments within the existing tower*

The height, bulk and massing of the existing tower is already in place and will remain the same within the proposals. The proposal will, however result in an additional degree of overlooking from the existing narrow glazed units as a result of the new use. The south-western end of the tower will house the proposed lift and staircase and the submitted drawings show that the narrow glazed units on this elevation would not be accessible to enable a view out. The north-eastern elevation of the tower also shows that the solid wall of the tower would sit directly behind this narrow glazed unit thereby preventing any ability to see out of it. The south-eastern (front) elevation has an existing large window at first floor level and the proposed plans show that this would serve a bathroom and the narrow glazed unit above it would serve a mixture of bathrooms and small storage rooms until on the penultimate floor and above it would serve habitable rooms. This elevation faces Ruby Walk and as such I do not consider that this would result in any unacceptable degree of overlooking or loss of privacy. The north-western (rear) elevation shows the proposed insertion of a new wider vertical glazed unit that runs from first floor to all upper floors apart from the top one which would be served by a circular window (that already exists). Directly to the rear of the site is a two storey building with its gable end (with no openings) facing the site. At ground floor level are garages and there is a flat above. At the front of this unit is an open, shared garage court, which is already within the public realm. Views at an acute angle from these openings would overlook two storey dwellings and more importantly their private rear gardens. Clearly this would result in some additional loss of privacy over and above the existing situation to neighbours to the rear, albeit at a 45 degree angle to the right and a much lesser angle to the left, where gardens are positioned approx. 28m away, which will need to be weighed in the balance.

There is no outdoor private amenity space provided for future occupiers, however, they are likely to be occupied by young people who do not necessarily want such facilities and therefore I do not consider this to be fatal to the scheme.

#### *The two proposed wings either side of the tower*

As the position of the tower is already fixed on the site, any addition to it, that reflects the previous historic additions to it, would result in new development close to boundaries on either side of the site along Goldstraw Lane, but in a set-back position. The proposed front elevation would be set back approx. 3m and 2.5m from the rear elevations of the existing houses. The proposed new built form would be 1.3m and 0.9m off the common boundaries with the houses



either side. The impact of this has been reduced on the south-western side by the open undercroft at ground floor level however, it would result in the 7.6m high side elevation (brick wall) running for approx. 6m at first floor level along the rearmost part of their rear garden. On the north-western side, the 7.6m high side elevation for 5m along the rearmost part of their garden and beyond. This will inevitably result in an increased sense of enclosure both within their rear gardens and outlook from windows in their rear elevations. A shadow cast drawing has been submitted which shows that the left hand wing would have an additional limited overshadowing impact on the rearmost part of the adjacent rear garden in the early morning during the summer months and additional overshadowing would result to the whole of the rear garden from the right hand wing in the evening during the summer months. It is acknowledged that these rear gardens of both existing adjacent properties either side of the site are almost directly north facing and as such the level of sunlight enjoyed will already be somewhat limited. The same drawing shows that the proposals would not result in any additional overshadowing in the winter months over and above that already experienced.

In terms of privacy, there is one small window within each side elevation at first floor level serving a bathroom and which would be located towards the end of the rear gardens of the properties either side. Provided these windows are obscurely glazed and fixed shut, I consider that privacy levels would be adequately protected, should permission be granted. There is a double door opening proposed at ground floor level in the north-east elevation, positioned in close proximity to the neighbour's fence. As the room that this opening serves already has a window on the front elevation, it is considered that this opening should be conditioned out in the event that planning permission is approved.

Both the sense of enclosure to existing dwellings either side and summer evening overshadowing to the whole rear garden of the dwelling to the north-east of the site must be given some negative weight in the overall balance.

Again, there is no outdoor private amenity space provided for future occupiers, however, not everyone wants such facilities and any buyer would be fully aware of this situation, therefore I do not consider this to be fatal to the scheme.

#### *The proposed two courtyard blocks*

The position of these blocks have been carefully laid out to provide a continuation of the existing built form outside the site, so that proposed blank gables face onto existing blank gables. The side gable of Block 1 would be approx. 20.5m from the rear elevation of the dwellings fronting Goldstraw Lane, the rear elevation would be approx. 16m from the side elevation of the bungalow to the rear, and the proposed front elevation would be approx. 10.5m from the front elevation of Block 2. Although this latter distance is somewhat tight, it is considered that the different angles of windows within the front elevation would help prevent direct overlooking and as such is considered to be on the cusp of acceptability.

The blank side gable of Block 2 is approx. 10.5m from the rear elevation of the left wing (and its first floor apartment rear windows) which again is on the cusp of acceptability, the rear projection of Block 2 is approx. 15.5m from the rear elevation of the right wing, but with angled openings in the front elevation and the rear elevation of the rear projection is positioned 4.5m off the rear boundary of the site, beyond which is an open garage courtyard area but at a very oblique angle would be the first floor flat above the garages. The proposed rear gable of the rear projection faces the two storey end gable of an existing house which has one small window at first floor level in its end gable with a distance of approx. 2.5m between.

Having carefully considered the impact of the proposed development on surrounding dwellings, I am satisfied that given the scale, separation distances, relationship between existing built form and proposed together with their associated openings and proposed positions and orientations, I am satisfied that the proposed two courtyard blocks are acceptable in terms of their impact on the amenities of existing neighbours.

The four ground floor apartments have their own outdoor private amenity spaces, however the four upper apartments do not have such facilities.

Given the scale, layout and separation distances of the proposed development, it is considered that the residential amenity of existing occupiers would not be unacceptably harmed by the conversion of the tower or the two courtyard blocks, however, it is acknowledged that the two proposed wings of the tower would result in some adverse impact on the sense of enclosure from the proposed side gable walls together with overshadowing of the rear garden to the north-west in the evening summer months, which needs to be weighed in the balance.

#### Impact on Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. NP5 states that development must assess the impact of the proposals on local biodiversity, with mitigation where required and an overall net enhancement will be encouraged. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application has been accompanied by a Protected Species Survey which has surveyed the existing building for bats and nesting birds. This concludes that a search of the accessible internal areas and the exterior of the building recorded no evidence of bat activity in any area, the building is of a construction detail that is occasionally utilized by roosting bats, however, given the lack of access to the upper floors it is recommended that a precautionary approach be taken and that prior to the start of planned works that scaffold is erected within the building to gain safe access to the upper sections of the building and a suitably qualified ecologist undertake a precautionary check for the presence of bats in the upper sections of the building. In addition that all contractors be informed that they must stop work at once if they see bats or suspect that they are present and follow the procedure set out in Appendix 2 of the report.

In relation to birds, the report states that as the building is clearly used for nesting by species of common birds, any future redevelopment work should avoid the active nesting season, or if not then a search for nests should be carried out before commencing work and active nests protected until the young fledge.

I am satisfied that these recommendations along with ecological enhancements could be secured by condition. Subject to this, I consider that the proposal would accord with the Development Plan with regards ecology impacts.

#### Impact on Highways and Parking

Spatial Policy 7 of the Core Strategy encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. It also seeks to minimise the need for travel through measures such as travel plans, provide safe convenient and attractive accesses for all and provide links to the network of footways etc. to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience and free flow of traffic are not adversely affected, provide appropriate and effective parking provision and ensure that the traffic generated from a proposal does not create new or exacerbate existing on street parking problems. Policy DM5 is explicit in stating that provision should be made for safe and inclusive

access to new development and appropriate parking provision. NP3 states that schemes for major residential development should provide a street layout and housing design that accommodates the car parking required based on Fernwood's location and associated car ownership levels and in accordance with the NPPF criteria. It also states that proposals are required to be in accordance with residential car parking research, highways and development control guidance (or equivalent) and the findings in the Fernwood BFL12 Assessment at Appendix A. The NP outlines the conclusion of the BFL12 assessment are that:

"For future development, a wider range of parking, including on-street parking and parking squares, should be considered. On-plot parking should be arranged so that frontages are not 'open,' with cars screened by boundary treatments so they do not dominate the street scene. Where rear courts are needed, they should be small (no more than 6 spaces) and should be secure and well overlooked."

The NP also states that car ownership in Fernwood is much higher than the District and national average; nearly half of all households own 2 cars, this is nearly double the County average.

Members will note that the Highway Authority has objected to the scheme (details of which are contained within the consultation section above). The Highway Authority has clarified that they would require 20 spaces to serve the occupants plus 2 visitor spaces. The proposal provides 19 spaces and is therefore 3 spaces short. Despite attempts by the applicant to address and persuade the Highway Authority, through the insertion of a barrier across the site entrance so the on-site spaces would be for occupiers of the site only and a management parking arrangement that could be secured through a legal agreement, they remain of the view that the scheme is unacceptable and should be refused, stating that "I confirm that the HA is happy to defend its recommendation for refusal of this application based on the current information which does not provide any justification for the level of parking proposed. In our view the amount of proposed parking has a shortfall that would result in additional on-street parking in an area that already suffers from this, including parking on the shared foot/cycleway." In addition the Highway Authority has raised concerns regarding the parallel parking required to access parking spaces 7 and 8, which takes more time to maneuver in and out of and which are positioned close to the access off Goldstraw Lane and likely to lead to other vehicles seeking to access the site to be delayed on the public highway.

In order to ensure the scheme is financially viable, 13 units is the minimum number of apartments required in order to render the scheme financially viable, which is outlined further below in the viability section, so there is no scope from the developer's perspective to reduce the number of apartments.

The Highway Authority are the statutory consultee and highway experts in this instance on highway safety and accordingly I give great weight to their objection given the potential harm to highway safety.

### Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and it is therefore at low probability of flooding from river and coastal sources. The proposal seeks to use a sustainable drainage system to deal with surface water disposal. Although information submitted is very limited on this aspect of the scheme, it is likely that this aspect could be adequately conditioned if approval was forthcoming. Subject to this, I consider the proposal would accord with CP9, CP10 and DM5 of the Development Plan.

#### Developer Contributions and Viability

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

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

#### *Affordable Housing*

Core Policy 1 provides that for schemes of 11 or more dwellings, on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions. A scheme for 13 dwellings would require 3 affordable houses on-site to meet the 30%.

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

#### *Provision for children and young people*

As a development of 13 dwellings, this application would normally need to make provision for public open space at 18m<sup>2</sup> per dwelling (234m<sup>2</sup>) as set out in the Developer Contributions SPD. As none is shown on the layout nor indeed would it be appropriate to, it would be expected that a financial contribution should be provided in lieu of this which would be spent to upgrade the existing parks within Fernwood, the nearest of which is a short walk away to the south. This is based on £927.26 per dwelling based on 2016 indexation equating to £12,054.38.

#### *Community facilities*

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

The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. I have not received any comments from the Community Projects Manager to date but will report further comments to Members via the Late Items schedule. Any financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling equates to a maximum of £17,992.91.

### *Education*

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement on development. Nottinghamshire County Council has confirmed that a development of 13 dwellings would yield an additional 3 primary school places. Each primary school place costs £11,455 based on their methodology thus a primary education contribution of £34,365 would be required to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education the development would be covered under CIL regulations.

### *Libraries*

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

<b>CONTRIBUTION</b>	<b>Policy Requirement</b>
<b>Affordable Housing</b>	<b>30% on-site provision (equating to 3 units)</b>
<b>Children's Play Area</b>	<b>Provision either on-site (at a rate of 18m<sup>2</sup> per dwelling) or by financial contribution based on £927.26 (indexation 2016) equating to £12,054.38</b>
<b>Primary Education</b>	<b>£34,365 to provide 3 additional primary places (at £11,455 per place)</b>
<b>Community Facilities</b>	<b>Financial contribution based on £1,384.07 per dwelling (2016 indexation) equating to £17,992.91</b>
<b>TOTAL</b>	<b>3 x affordable houses on site plus £64,412.29</b>

## Viability

The National Planning Policy Framework says that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all circumstances in the case. The NPPG makes clear that in decision taking, “viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.”

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

Members will note that our Independent Viability Assessor concluded that the development cannot afford to pay any of the requested developer contributions. It is noted that the appraisal indicates negative viability of -£219,111. They state that “the Water Tower development is complex and sale values for apartments in this location are not likely to generate a premium. The new build element of the scheme is not sufficient to subsidise the abnormal Water Tower restoration costs.”

Therefore on the basis of the advice received, I am satisfied that the applicant has successfully demonstrated that the scheme is unviable, even without any developer contributions being met.

## Other matters

Contaminated Land - The Council’s Environmental Health Service has acknowledged the former power house/boiler house that previously operated at this site and as such recommends that a standard contaminated land condition be imposed on any permission which would ensure that the site would be properly cleaned prior to the residential use commencing on the site.

## Planning Balance and Conclusion

Members will note from the appraisal above that in this particular case there are many material planning considerations to balance in coming to a final view. This site is located in a sustainable location within the settlement of Fernwood and within the Newark Urban Area. The building represents a non-designated heritage asset which is of significance locally by the nature of its landmark prominence from both within and outside Fernwood and which has been left unused for 50 years and will continue to decline.

The existing Tower represents a non-designated heritage asset that is of local historic and architectural interest and represents a positive contribution to the character and distinctiveness as well as being a striking physical landmark structure in the both the immediate and wider area. The proposal would bring back into active use this heritage asset and so greatly increase its potential of being retained for years to come and improve the surroundings of the building through the removal of the close boarded timber fence around its vacant land and sympathetic additions which better complement the water tower. I am also satisfied that the level of new build development is the minimum required in order to bring forward the proposals, albeit still in negative viability. As professional officers, there is a strong desire to want to see this local landmark tower restored and retained with a viable and long term use in place.

However these heritage benefits need to be carefully balanced against the highway concerns and the fact that this scheme cannot afford to pay the necessary and appropriate contributions towards primary education, affordable housing, community facilities or children's open space. In addition there are also concerns with regard to the sense of enclosure created to neighbours either side of Goldstraw Lane. I take the view that the heritage benefits and the need to secure a viable future use of the tower should take priority in this particular instance over the inability of the scheme to pay towards the infrastructure impacts of the proposal, albeit I say that with some caution with respect to education and affordable provision (I consider there is sufficient provision within Fernwood to largely absorb the impact of the scheme for community facilities and open space). After careful consideration, the heritage benefits are also considered to outweigh the impacts on the two neighbouring properties.

However, in terms of the highway safety harm, Members will note the firm view of the Highway Authority that the scheme would be harmful to highway safety on the basis of the shortfall of 3 parking spaces and concerns regarding manoeuvrability from spaces 7 and 8 within the site. This view regarding the lack of parking is shared by the Parish Council. However it should also be noted that unless a new use can be found for this building, this heritage asset that is of such value to the local community will deteriorate further and may ultimately be lost.

In an overall planning balance, therefore, as highway experts I give great weight to Highway Authority objection. On a very fine balance, I conclude that this amounts to a determinative material consideration. On this basis I recommend refusal.

### **RECOMMENDATION**

#### **That planning permission is refused for the following reason:**

The proposal does not provide for sufficient on-site parking. Consequently the development would likely further increase on street parking and parking on the shared foot/cycleway in the vicinity resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway, and exacerbate these existing problems within this area. Furthermore, there is also concern that manoeuvrability into and out of parking spaces 7 and 8, located close to the site access, is likely to lead to other vehicles seeking to access the site to be delayed on the public highway which would also increase the likelihood of danger to other users of the highway.

In the opinion of the Local Planning Authority the proposal is therefore contrary to Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) of the Newark and Sherwood Core Strategy Adopted March 2011 and Policy DM5 (Design) of the Allocations and Development Management DPD Adopted July 2013 and Policies NP3 (Residential Parking on New Development) which together form the Development Plan. There are no material planning considerations that outweigh the harm identified.

### **Notes to Applicant**

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the

opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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

#### **BACKGROUND PAPERS**

Application case file.

For further information, please contact **Julia Lockwood** on ext. **5902**.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth and Regeneration**



