

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	18/01241/FUL	
Proposal:	Retention of the north-western wing and the conversion to a dwelling including external alterations (Unit 4) (Retrospective)	
Location:	Balderton Working Men’s Club and Institute, 69 Main Street, Balderton	
Applicant:	Yorkhouse Properties Ltd – Mr K Roberts	
Registered:	03 July 2018	Target Date: 28 August 2018
	Extension of Time Agreed Until 4 October 2018	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Balderton Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The site contains a substantial and attractive period building located on the north side of Main Street within the urban area of Balderton. It is situated within Balderton Conservation Area. It was previously used by Balderton Working Men’s Club and Institute but following approval of an application which included a conversion scheme and various demolition works to the existing building, it has now been occupied for residential purposes for the previous 6 months or so. Whilst it is not a listed building, it is regarded as a positive building within the Conservation Area which is a heritage asset. Listed Buildings are located opposite and adjacent to the site including No. 77 and No 79 Main Street (Grade II listed) and St Giles Church (Grade I listed). Residential dwellings are located along the east and west of the site. No. 14 Bullpit Road is a bungalow containing a children’s day nursery. A primary school is located to the north of the site.

The building is a former villa, probably dating to the early/mid-19th century. The main building is 2 storeys, with 3 bays in red brick with hipped slate roof, deep soffits and pair of chimney stacks. Its frontage includes Victorian sash windows, and a characterful porch with pediment. Its front and principal side walls are constructed in Flemish bond. It has a 20th century replacement front boundary wall in red brick with central open access and piers also in Flemish bond. Behind this is a large expanse of tarmac car parking. The building contains substantial rear service wings. The eastern range appears to be older, perhaps contemporaneous with the villa which was to be retained to accommodate Unit 3. The currently approved permission shows the north-western rear service wing being demolished. It had Georgian sashes with flat head brick arch headers, the former of which have now been removed. The building did also have extensive 20th century additions which were of no interest, however, these have been demolished.

The existing and extant permission (along with the three units currently occupied) also approved the construction of 6 new build dwellings to the rear, in the grounds of the building, the construction of which has not yet commenced.

Relevant Planning History

03860285 Skittle Alley – permission 12.05.1986

94/50089/FUL - Removal of walls and provide disabled WC – permission 27.01.1995

98/50088/ADV - Fascia sign – permission 23.10.1998

02/02084/CAC - Demolish front boundary wall and rebuild as same – consent 07.11.2002

06/01052/FUL - To install door to make club flat self-contained, stairs will be needed to car park – permission 06.09.2006

14/01714/FUL - The removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West; Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 3 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works – approved 12.02.2015

17/00082/FULM - The removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West, Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 4 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works – still pending but waiting confirmation of withdrawal.

17/01339/FUL – Application to vary conditions 2,3,4,5,6,9,11 and 13 of planning permission 14/01714/FUL (to comply with pre-commencement conditions) for the removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West; Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 3 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works. (Including minor amendments as set out within letter dated 20/07/17) – approved 14.03.2018.

The Proposal

The application is for a full planning permission for the retention of the north-western wing and the conversion to a dwelling including external alterations to create Unit 4. This two storey north-western wing was proposed to be demolished within both the originally approved scheme granted under 14/01714/FUL and the subsequent Section 73 application approved under reference 17/01339/FUL.

Following the submission of application 17/00082/FULM, which was similar to the 2014 permission but sought the additional retention of the north-western wing of the main building and the conversion of the existing building into 4 units instead of 3, a site visit was made which revealed that demolition works (of the 20th century elements) had already commenced on site, however, no pre-commencement conditions had been discharged. After discussions with officers, following concerns regarding the level of CIL for which the applicant would be immediately liable for should a new permission be granted, officers sought to assist the applicant and advised that application 17/00082/FULM could be withdrawn and they could then seek a new planning permission for the development approved by the previous approval (14/01714/FUL) but seeking to vary the pre-commencement conditions, as these were clearly no longer able to be complied

with, following the commencement of the development on the site, there was still an opportunity to submit the necessary details without resulting in any undue planning harm given the stage of development. In doing this the liability for the inflated CIL could be avoided and the application to vary the conditions has now been approved.

This application now seeks a new independent planning permission to retain the existing two storey north-western wing as a two-bedroomed dwelling. The proposed layout shows a kitchen and living room at ground floor level and two bedrooms and a bathroom at first floor level. There are three windows at first floor level and double doors at ground floor level in the west facing elevation, one window at first floor level and three ground floor openings in the east elevation and a small window set back from the rear (north) elevation at first floor level.

Externally a single car parking space is provided adjacent to the western elevation. There is an amenity space (approx. 2.7m by 3.2m defined by a 1.8m high close boarded timber fence) adjacent to the parking space and an external courtyard area to the east of the wing measuring approx. 3m by 9m with no proposed boundary treatment to serve the new dwelling.

The majority of this two storey element (apart from the rear elevation) is traditional red brick with hipped slate roof. The building has already been converted and is currently occupied.

In support of the application a Design and Access Statement has been submitted.

The following plans have been assessed in the consideration of this application:

- Site Location Plan (Drawing No: BWMC0616-2000A);
- Proposed Site Plan (Drawing No: BWMC0616-2003);
- Proposed Plans and Elevations (Drawing No: BMWC0616-2001 Rev B); and
- Door and Window Schedule (Drawing No: BMWC0616-2004 Rev A).

Departure/Public Advertisement Procedure

Occupiers of 12 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

Newark and Sherwood Core Strategy DPD (adopted March 2011)

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
NAP1 – Newark Urban Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM3 – 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)
- Council's DCA Housing Market and Needs Assessment (2014)
- Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) 1990
- Newark and Sherwood Amended Core Strategy 2017

Consultations

Balderton Parish Council – Object. “This is an additional property to the original planning brief for converting the former club and is considered to be over-intensive development of the site which is in the village Conservation Area. One parking space only is also considered to be inadequate for a two bedroomed property.”

NCC Highways Authority – “No objection.”

Independent Archaeology Advisor – “No archaeological input required.”

NSDC, Conservation – “The proposal site is within Balderton Conservation Area (designated 1992). The Church of St Giles opposite is Grade I listed (designated 1967). 74, 77, 79 and 81 Main Street are all Grade II listed. 9 Bullpit Road is also Grade II listed.

We do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised 2018) and the legal duties with respect to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In reaching any view, the local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the CA, and preserving the setting of listed buildings. Preservation is achieved by causing no harm, and might include maintaining the existing contribution made by the host building to the character and appearance of the CA.”

NSDC, Equalities and Access Officer – “It is recommended that the developer considers access to, into and around the proposals together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use. Approved Document M of the Building Regulations gives useful information in this regard. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

No representations have been received from local residents/interested parties.

Comments of the Business Manager

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review following the Independent Examination which took place on February 1st and 2nd 2018. For the avoidance of doubt the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. I do not consider it necessary to rehearse the full position in respect of this matter given the support for additional housing in Balderton in principle, as part of the wider Newark Urban Area. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account.

Balderton is an established settlement 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. New housing and employment growth should be focused in this area as it is considered to be a sustainable location for new housing development. In principle therefore it is considered that the proposed dwelling would be positioned within a sustainable location, but is still subject to an assessment against the site specific criteria as set out below. Although the application site is independent from the wider site by its red line outline, it is considered that the impact of this proposal must be considered against the impact on the wider site, given its planning history, which is somewhat complicated, but set out above.

Housing Density, Type and Mix

Core Policy 3 of the Core Strategy requires good quality housing design in line with the provisions of Core Policy 9 Sustainable Design. 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. New housing development should also adequately address the housing need of the District, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. The NPPF states planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment (para 117). The NPPF differentiates between areas where there is an existing or anticipated shortage of land for meeting identified housing needs, but that is not the case in Newark.

When looking at the re-development of this whole site, in terms of density, the provision of 10 units on this site which is 0.34 hectares in area, equates to a density of 29.4 dwellings per hectare. From a general look at the figures in themselves, the proposed development would be acceptable in terms of its density of development on the site. The addition of a further 2-bed unit also accords with the housing need identified in the Council's DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area), in the open market housing sector. This additional unit would therefore meet the identified housing need and accords with the policy requirement. As such this application is considered to comply with Development Plan policy in this respect.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or

enhancing the character or appearance of Conservation Areas and the setting of Listed Buildings. Policy DM9 of the DPD requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and setting of Listed Buildings. The NPPF states in para 127 that decisions should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are sympathetic to local character and history including the surrounding built environment and landscape setting. It also states at para 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

As a building of local interest, the original building is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 200 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

When looking at the wider site as a whole, the reuse of the original building (back to its original residential use albeit divided into a number of units) is supported in principle as it would help to secure a sustainable future for the building. Part of the significance of this site is the open setting of the building, therefore allowing the character and appearance of the building to make a significant contribution to the public realm in addition to enabling views of the Listed Building located to the east of the site. This aspect has been carefully planned and secured through previous permissions which have not allowed any built form forward of the front elevation of the principal building on the site. The frontage is predominantly open and laid to lawn.

It is acknowledged that the two storey north-western wing represents part of the historic fabric of the principal building, although given its position, is not readily visible from the public realm. It was previously concluded that the development of 9 dwellings (6 two-storey new build to the rear and three units within the two-storey converted building) on this site was a density that caused no harm to the historic environment, either in terms of the Conservation Area or the setting of listed buildings. This proposal therefore looks to increase the number of dwellings to 10 with an additional two-storey dwelling within the retained north-western wing that was originally proposed to be demolished.

The retention of the northwestern wing is considered acceptable in principle in heritage terms, noting that the Conservation officer has made no formal observations to the proposal. As originally approved the demolition of this resulted in reduced built form to the rear of the site and provided rear landscaped private amenity spaces to serve Units 1 and 2. The retention of the wing would result in a more cramped and enclosed space to the rear of the site and it is noted that the Parish Council object on the grounds of it resulting in over-intensive development. Whilst I

acknowledge and take into account the concerns of the Parish Council, the existing north-west wing does represent part of the fabric of this historic local interest building and given its positioning to the rear of the site, I consider it would be difficult to maintain an objection on the grounds of it resulting in any adverse impacts on the setting of listed buildings or on the harm to the character and appearance of the Conservation Area.

It is assumed that the access arrangements for this additional unit would reflect that approved on the wider site which includes retention of the existing boundary wall at the front of the site in a central position and the alterations required (widening of the opening and pedestrian visibility splays being provided) for highway safety reasons will be completed but these are not considered to compromise the setting of the existing building or the character or appearance of the Conservation Area (and these details have not been submitted for consideration by this application).

It is considered that the retention of the north-western wing would not result in any harm to designated heritage assets (either the setting of listed buildings or the character and appearance of the Conservation Area) and is therefore considered to be in accordance with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy CP 14 of the Core Strategy and Policy DM9 and DM5 of the DPD, the NPPF and PPG, which are material considerations.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to create places that are safe, inclusive and accessible....with a high standard of amenity for existing and future users (para 127).

The retention of this two storey north-western wing would result in a bedroom window (albeit at a slight angle) in the west facing elevation being approx. 9.4m away from the front elevation (with first floor window (the only one) serving a bedroom) of the proposed new dwelling that would be situated to the west in accordance with the approved plan. It also results in the east elevation being situated approx. 4m away from the west elevation of the existing unit 3 which contains a window to the living room (but which is not the only window serving that room) at ground floor level and first floor windows serving a bathroom and landing. There is also a bedroom window at first floor level in the west elevation that serves a bedroom belonging to Unit 1 (but not the only windows serving that room) that is approx. 1.5m away from the retained east elevation of the new unit. Having carefully considered all these relationships, whilst it is acknowledged that some of them are tight, I am satisfied that these relationships are considered to be acceptable, on balance, and the privacy offered by occupiers of both existing and proposed dwellings between habitable rooms at ground and first floor levels (bedrooms and kitchen), are on the cusp of acceptability.

In terms of over-bearing impacts and loss of light or overshadowing, on balance, I am satisfied that the proposal would not result in any unacceptable impacts in this regard.

The proposal will also result in impacts to external amenities. The latest approved plan for the wider development (approved under 17/01339/FUL) shows that the land upon which the north-western wing is sited, has been approved as private amenity space to serve Units 1 and 3.

Whilst this would have resulted in a generous level of external space to serve the 2-bed Unit 3, it also approved a reasonable amount of private amenity space to serve the three double bed roomed Unit 1. This application will result in the loss of this space and reduce the private

amenity space serving Unit 1 to a minimum 2.0m / maximum 3.4m wide strip of amenity space along the side of their building which is supposed to also accommodate a new hedgerow to run along the access road. Although approx. 14m in length it offers very little in terms of usable depth. Whilst it is considered that this is a poor level of provision, the local planning authority does not have any adopted minimum external private amenity space standards that would assist in resisting such a limited provision. It is acknowledged that it is likely to result in increasing pressure for shed/outbuildings and other ancillary facilities to be accommodated at the side of the property, which if visible from Main Street could be harmful to the character and appearance of the Conservation Area. It could also prejudice the successful planting and establishment of the hedgerow proposed as it would take up too much of their garden area. A condition removing permitted development rights has been attached to my recommendation below to prevent ancillary outbuildings without first obtaining planning permission.

In relation to the amenities of occupiers of the new additional dwelling, whilst of limited quantity and quality, the external private amenity space provided is considered to be on the cusp of acceptability for the proposed two bedroom unit.

As such it is considered, on balance, that whilst not ideal, the amenities between the existing and proposed occupiers of the site are considered to be on the cusp of acceptability. As such the proposal is also contrary to Policy DM5.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Vehicular access to the property would continue to be provided through the site's existing access (with some widening to provide pedestrian visibility splays) and one on-site parking space is provided to serve the dwelling. The Highways Officer raises no objection to the scheme, although it is acknowledged that the Parish Council raise concerns about the provision of only one parking space to serve the two bedroomed dwelling. However, it is concluded that this application would not result in any adverse impact upon highway safety in accordance with the requirements of Spatial Policy 7 and Policy DM5.

Impact on Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The application proposes the disposal of foul sewage and surface water by mains sewer and connection to the existing drainage system, to reflect that happening on the wider site, which have already been controlled through condition. Therefore implementation of these drainage details would ensure that the development is provided with a satisfactory means of drainage in accordance with the Development Plan and the aims of the NPPF and PPG.

CIL

Given the application is retrospective, there is no ability to seek any CIL exemptions. CIL is applicable in this location and will be payable at a rate of £45 per square metre.

Planning Balance and Conclusion

This retrospective application has been submitted to seek to authorise the lawful use of this additional dwelling on the site in planning terms. This is a sustainable and appropriate location for new residential development in principle. Whilst no negative impacts have been identified in relation to housing density, type and mix, heritage impacts, drainage and highway safety matters, it is acknowledged that there are some amenity impacts between existing and proposed occupiers that are not ideal. However, weighing all planning considerations in the planning balance, it is considered that the additional dwelling does not result in unacceptable amenity impacts or over-development that would warrant refusal of permission in this particular case.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below

Conditions

01

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

- Site Location Plan (Drawing No: BWMC0616-2000A)
- Proposed Site Plan (Drawing No: BWMC0616-2003);
- Proposed Plans and Elevations (Drawing No: BMWC0616-2001 Rev B); and
- Door and Window Schedule (Drawing No: BMWC0616-2004 Rev A).

Unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

02

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Class C: The painting of the exterior of any building.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management DPD.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

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.

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/01241/FUL

