

## **PLANNING COMMITTEE – 20 NOVEMBER 2018**

<b>Application No:</b>	<b>18/01917/FUL</b>		
<b>Proposal:</b>	<b>Proposed additional parking to the rear of the former Municipal Offices including new tarmac surface, drainage, lighting and landscaping and provide additional parking access accessible from London Road car park. The development will provide 36 additional parking bays and 2 additional disabled parking bays.</b>		
<b>Location:</b>	<b>Former Newark Registrar Office, Newark Municipal Building, Balderton Gate, Newark On Trent, Nottinghamshire, NG24 1UW</b>		
<b>Applicant:</b>	<b>Newark &amp; Sherwood District Council - Mrs Kirsty Cole</b>		
<b>Registered:</b>	<b>16 October 2018</b>	<b>Target Date:</b>	<b>11 December 2018</b>

**This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.**

### **The Site**

The application site comprises the Grade II listed (Ref. 1196072) former municipal building that was previously occupied as the Newark Registry Office. The former house is mid C18 with late C19 and mid C20 additions in a matching style and was originally built for Dr Bernard Wilson, vicar of Newark. The property is located within the defined Newark Conservation Area.

The area to which the car park is proposed is bound to the NE by the former Municipal building, to the SE by residential housing (properties on Knights Court), to the SW by the Newark Public Library and to the NW by the existing London Road Car Park. The area is currently an approx. 0.2ha amenity grassland area associated with the listed building with other areas of hardstanding present on the site, including the existing Municipal car parking area to the NE.

The site has a number of mature trees positioned throughout, ornamental hedgerows and small areas of ornamental shrub planting. Five mature trees comprising two limes, one false acacia and two sycamores are present on site.

There are a number of key listed buildings and heritage assets to the North of the development site. Apart from the former Municipal Offices, the closest listed buildings are Grade II, located at 47 and 49, Balderton Gate, which are located opposite the former Municipal Offices (others include no's 25 & 27, 29 & 31, 33, 47 & 49 – all Grade II listed).

The existing car park can currently be accessed from Balderton Gate to the N and from London Road to the SW.

### **Relevant Planning History**

**16/02065/TWCA - Beech - Fell due to Fungal Decay at base of main stem – Permitted 16.12.2016**

**16/01617/TWCA** - Remove 1 No Pine due to root damage to listed building – Permitted 03.10.2016

**16/00008/TPO** – Group TPO application for a mixture of mature specimens including Lime, Sycamore and Acacia – Trees considered to not be worth of a Tree Preservation Order 17.05.2017

### The Proposal

The application seeks consent for the installation of additional public car parking on the land to the rear (SW) of the former Municipal Offices as an extension to the existing London Road Car Park which would see an increase in the number of car parking spaces by 32 plus 2 disabled spaces.

The land, currently amenity grassland associated with the listed building, is proposed to be surfaced in tarmac with associated drainage installation (approx. 1374m<sup>2</sup>). Access and egress into the car park would be through the NW boundary of the site into the Council's London Road car park (occupants of the former Municipal Buildings will access their existing dedicated car park at the NE side of the building via Balderton Gate). The creation of an access from the London Road car park would result in the loss of four parking bays on the London Road car park but with an additional 36 spaces being created on the land to be leased to the Council would result in a net gain of 32 spaces overall.

The design of the car park has a central access road with parking bays either side. Access to the will be solely from the London Road car park with a two-way system through the proposed car park and a turning area at the far end. Pedestrian routes are proposed to remain unaffected by the proposals, with the new footpath linking up with existing footpaths. Where the existing footpath crosses the entrance to the new car park, a pedestrian crossing is proposed to be installed with appropriate signage.

The signage proposed comprises 20 no. standard highways/car parking signs (see signage schedule for specifications) that include a pedestrian walkway sign, one way sign, give way sign, disabled parking only sign, and no parking zone sign. Signs are proposed to be erected at the entrance to the car park and throughout.

4 No. lighting columns are proposed to be installed, two on the NE (parallel with the rear elevation of the existing building on site) and two on the SW side of the car parking bays. The columns are proposed to be 6m columns each carrying 90W Apollo LED AL6666 lights all in galvanised steel.

Signage Schedule		
ITEM	QUANTITY	SIGN REF.
4000mm high 114mm dia. circular anodised aluminium sign post with post cap.	7	A-D
2000mm high 76mm dia. circular anodised aluminium sign post with post cap.	2	E
Aluminium Pedestrian Crossing Road Traffic Sign, DOT 544 Class RA2. Size 750mm Triangle. Complete with rear channel for post fixing.	4	A
Aluminium Give Way Sign - DOT602, Class RA2. Size 750mm Triangle. Complete with rear channel for post fixing and back to back clips.	2	C
Aluminium Ahead Only Sign - DOT606, Class RA2. Size 750mm Circle. Complete with rear channel for post fixing and back to back clips.	2	B
Aluminium No Parking Sign. Size 500mm x 750mm x 3mm. Complete with rear channel for post fixing and fixing clips.	1	D
Aluminium Disabled Parking Only Sign. Size 400mm x 600mm. Complete with rear channel for post fixing and fixing clips.	2	E

As part of the car park installation a number of landscaping elements are proposed, two strips are proposed either side of the car parking bays, the strip adjacent to the Newark Library (SW) is

proposed to be grassed with a hedgerow the NE strip is proposed to be a planting strip including a number of replacement tree varieties (specification TBC but anticipated to be c.20 trees to the NE).

**Trees:** Three trees are proposed to be retained on the SE boundary of the site along with the group of small trees adjacent to the corner of the Library. Planting strips are also proposed on either side of the entrance into the car park area. To the NE of the former Municipal building, on the Balderton Gate side the existing tarmacked surface behind the 1.2 m high boundary wall is proposed to be replaced with grass and planting. The hedgerow that is present on the NW boundary of the site is proposed to be retained.

One tree is proposed to be removed from the SE corner of the site along with one positioned in the middle of the proposed car parking area and one adjacent to the proposed access point into the car park (lime, sycamore, false acacia).

The boundary wall on NE boundary with Balderton Gate is also proposed to be taken down to ground level.

The existing car part to the NE of the former Municipal building is proposed to be retained.

Documents submitted with this application:

- Amended Site Location Plan - R/202-01
- Plan as Existing - R/202-02
- Site Clearance and Tree Removal Plan - R/202-03
- Plan as Proposed – R/202-04
- Setting Out Dimensions – R/202-05
- Construction Details and Cross Sections – R/202-06
- Proposed Lighting – R/202-07
- Proposed Drainage Details – R/202-08
- Proposed Signage – R/202-09
- Design and Access Statement
- Ecological Appraisal
- Heritage Impact Assessment
- Tree Survey: Arboricultural Assessment – London Road Car Park Extension produced by FPCR Environment and Design Ltd Dated: October 2018

#### Public Advertisement Procedure

Occupiers of 33 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert placed in the local press with the consultation period expiring on 15<sup>th</sup> November 2018.

#### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

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

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy

Policy DM2: Development on Allocated Sites

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Section 66 and 72 of the Planning Act 1990
- Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## **Consultations**

**Newark Town Council** – No comments received.

**NSDC Conservation** – “The former Municipal Building is Grade II listed and within Newark Conservation Area. There are many listed buildings in the wider vicinity, notably on Balderton Gate.

## **Legal and policy considerations**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework

(NPPF – revised July 2018). 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, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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).

#### Significance of heritage asset(s)

The former Municipal Building is formerly a house. At the time of listing in 1950, the property had been changed to Social Services offices. The porch and boundary wall date to this period. There is a rather crude modern flat roof addition on the rear also. The property is otherwise a significant mid-18<sup>th</sup> century building with late 19<sup>th</sup> additions. The listing advises:

“Built for Dr Bernard Wilson, vicar of Newark. Brick with stone dressings and hipped slate roof. Chamfered quoins, first and second floor bands, coped parapet, 3 ridge and single side wall stacks. Square 5 bay main block, 3 storeys, with 2 bay wings, 2 storeys. Windows are glazing bar sashes of various shapes. 5 sashes with keystone lintels and above, 5 smaller sashes with rubbed brick heads. Parapet has 5 blank panels. Central coped square porch with projecting doorway, double door and overlight, flanked by single sashes. Each wing has 2 sashes on each floor. Rear elevation has similar fenestration to the front, with projecting 3 storey wings. Each wing has 2 sashes, and below, a canted bay window. Between the wings, a single storey mid C20 range with 5 sashes. North west side has to left 5 sashes with keystones and above, a sash and 4 blanks. Moulded doorcase with hood on brackets and fielded 6-panel door with overlight, flanked by a sash to left and 2 to right. To the right, a 2 storey wing, 4 bays. South east side has 7 sashes and below, 2 C20 doors flanked to left by 3 sashes and to right by 2. Interior has 2 C18 stairs, dogleg and open well, with vase and stem balusters and square newels. North west front room has panelled dado and dentillated cornice. Ionic pilaster chimneypiece with entablature and fielded overmantel panel, containing mid C19 marble fireplace with scroll brackets to shaped mantelshelf. On either side, an elliptical arched recess. Diagonally opposite room has moulded doorcase, cornice and ceiling boss.

9 C18 fielded panelled doors, 2 and 6 panels. (Buildings of England: N Pevsner, revised E Williamson: Nottinghamshire: Harmondsworth: 1979-: 195).”

Newark CA was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added.

Balderton Gate is an important roadway within the CA, and the former Municipal Building is a key building on approach from both directions. The land around the proposal site has been much altered, noting the modern car sales area adjoining, a sea of car parking, a modern extensively glazed library to the rear and a significant modern retail/cinema complex beyond. Nevertheless, the former Municipal Building provides a focus to this part of the CA, noting the attractive views to and from it (including where intervisible with views towards the town centre and St Mary’s Church).

#### Assessment of proposals

The scheme seeks to construct additional parking to the rear of the former Municipal offices, including new tarmac surface, drainage, lighting and landscaping. The development will provide 36 additional parking bays and 2 additional disabled parking bays. The proposal also allows for the removal of several trees and the 1950s boundary wall to Balderton Gate. The redundant roadway at the front of the listed building (but behind the existing wall) would also be removed and grassed over.

The existing area to the rear of the former Municipal Building is pleasantly green with some trees. Due to the hardstanding around the remainder of the building, the car park proposal will erode the remaining landscape setting of the listed building. It is accepted that there is a business case for the proposal, along with improved capacity for road users and disabled drivers. It is also recognised that mitigation is offered through the green landscaping proposed to Balderton Gate, and the retention of a sense of spaciousness within the car park. The 1950s phase of the building is not significant, and removal of any elements relating to this phase is acceptable. This includes the modern wall to Balderton Gate. Removal of the hardstanding behind the wall is a benefit in this case, and will improve the appearance of the listed building from the main roadway.

It will be for the decision-maker to judge whether these perceived benefits outweigh the harm caused to the setting of the listed building, which is less than substantial and moderate in the context of the NPPF. Given the relationship of the site to the existing London Road car park, the lighting and related car park infrastructure is not fundamentally harmful to the character of the CA in this case.

Additional mitigation might be considered with a new hedge to Balderton Gate, replacing the line of the wall (reinforcing a sense of enclosure previously provided by the wall).”

**NSDC Environmental Health** – “I refer to the above application and confirm that I have no

comments to make.”

**NCC Highways** – No comments have been received to date and will be reported to Members as a late item.

**Archaeological Officer** – “No archaeological input required.”

**Newark Civic Trust** – “Newark Civic Trust strongly object to this application.

The Grade II listed building and the grounds must be considered as a single site. To destroy the lawn area is unacceptable in terms of the detrimental visual impact and effect on the character and appearance of a major building within the Conservation Area.

It is difficult to comprehend that the Council claims that minor landscaping will improve the setting of this listed building.

It is the responsibility of local authorities to preserve and enhance local heritage. In our opinion this is an inappropriate development and should be rejected.”

**NSDC Access and Equalities Officer** – “As part of the developer’s considerations of inclusive access for all, it is recommended that attention be drawn to BS8300:2018 - Design of an accessible and inclusive built environment - Buildings and external environment - which contains useful information in this regard.

Pedestrian approaches and footpaths should be carefully designed to ensure that they provide safe, well lit, barrier free level footway network from the car parking, with dropped kerbs and appropriate tactile warnings at road crossing points, as applicable. Routes should be smooth, level, non-slip, and of sufficient width. Consider any camber to footpaths to ensure wheelchair users are able to safely manoeuvre. It is recommended that any information and directional signs around the development are clear and positioned so as to be easy to read.

An adequate parking provision for disabled motorists should be carefully considered within car parking. BS8300:2018 gives information in respect of proportion and layout of spaces. Ticket dispensing machines are often difficult to reach and to manipulate by drivers with hand or reach impairments and other disabled people. As a consequence, careful consideration should be given to their design and use by disabled people. Likewise guidance is given in BS8300 regarding any vehicle height barriers and considerations for the passage of a disabled motorist’s high-top conversion vehicle.

Street furniture such as any cycle racks, litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route.

It is recommended that the developer be mindful of the Equality Act.”

**Tree Officer** – “The proposal site contains mature trees that contribute visual public amenity to the area and the setting of the listed building. There has been submission of any survey of these trees to support their removal and little in the way of any mitigation planting. I would therefore

object to this application.”

**Historic England** – “FORMER NEWARK REGISTRAR OFFICE, NEWARK MUNICIPAL BUILDING, BALDERTON GATE, NEWARK ON TRENT, NOTTINGHAMSHIRE  
Application No. 18/01917/FUL

Thank you for your letter of 11 October 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

**Comments from Interested Parties** – 7 Comments in Objection on the grounds that:

- Loss of the trees would result in a sterile environment
- Users of the Library benefit from the views of the green space and trees
- Media reports state that town centres and high streets have foot fall so additional car parking seems unrequired
- Issues of climate change and global warming should influence a proposal to increase car borne traffic and loss of trees
- Other options to lift restrictions on on-street parking in the town centre would be better than removing this amenity grassland
- Will unduly impact the character and appearance of Newark Town Centre
- Understand the need for more parking but cannot support the removal of mature trees in a historic environment
- Trees are important for inner town environments and removing these will impact visual amenity

### **Comments of the Business Manager**

#### **Principle of Development**

The site is located within the main built up urban area of Newark as defined within the Development Plan. Newark Urban Area is defined under Spatial Policy 1 and 2 as a Sub Regional Centre where its function is to be a focus for housing and employment growth and the main location for investment for new services and facilities within the District. Spatial Policy 2 of the CS also states to support such growth the District Council will work to provide new infrastructure, facilities and services.

The site comprises the amenity garden area for the former Municipal building but when considered in its broader context it is located next to the London Road public car parking area which is bound by the Newark Public library, Odeon Cinema, Costa Coffee and a number of other local businesses. The site is within the urban boundary of Newark and within Newark’s historic core. The location is central to the Newark Town Centre, c108 m from the Market Place and the London Road Car Park is one of the publically accessible car parks that provides for town centre visitors.



As the proposal seeks to extend and reorganise the existing approved car park on this site, it is considered that the following policies are of particular relevance. Spatial Policy 7 which is concerned with the provision of sustainable transport solutions on new developments; Spatial Policy 9 and DM5 which require development to be sustainable in their design, taking into consideration the surrounding environment; and Core Policy 6 which emphasizes the need to protect and enhance the vitality and viability of town centres. In addition paragraph 85 of the NPPF (2018) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Design and Access Statement accompanying the application explains that given the proximity of the London Road car park, being very close to the centre of Newark Town, the car park is very busy throughout the day. The car park is also used by visitors to the Library, Cinema and local shops. The existing car park has 106 demarked parking bays including 11 disabled parking bays. On a typical day the car park is full at peak times, resulting in traffic driving around the car park looking for spaces. Adjacent developments and tourism have also increased the demand for parking within the Town Centre. This statement highlights how the demand and increased number of visitors has resulted in a congested car park area which can often cause disruption to traffic accessing and exiting the car park. Whilst not resolving all of the parking issues at the site, it is hoped that the proposed additional car parking provision of 36 spaces will help to alleviate congestion related to the existing car park considerably and allow the current disabled parking provision to be increased by two parking bays.

As the proposal seeks to deliver an extension to the existing car parking area within the Town Centre, in response to a current deficiency in parking provision, I am satisfied that the principle of the proposed development in this location is acceptable, subject to consideration to site specific matters outlined in the following sections below.

In addition, given that the proposed works would be within the curtilage of a Listed Building the impact on the setting of the surrounding listed assets is a material consideration that needs to be carefully considered. The site also lies within the Newark Conservation Area. These matters are considered below.

#### Impact on the character of the area (including heritage impacts and trees)

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas or within the setting of

designated heritage assets (paragraph 200).

Furthermore, in assessing the setting of the Listed Building Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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.

Para 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In addition, the proposed development must comply with the principles of Core Policy 14 and Policy DM9. Criteria within these policies require proposals to take into account the setting of heritage assets and the distinctive character and setting of Conservation Areas.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

Balderton Gate is an important roadway within the Newark Conservation Area, and the former Municipal Building is a key building on approach from both directions. The land around the proposal site has been much altered over time, noting the surrounding sites comprises a modern car sales area adjoining, a sea of car parking, a modern extensively glazed library to the rear and a significant modern retail/cinema complex beyond. Nevertheless, the former Municipal Building provides a focus to this part of the CA, noting the attractive views to and from it (including where intervisible with views towards the town centre and St Mary's Church).

Given that the proposed works would be within the curtilage of a Listed Building the impact on the setting of the surrounding listed asset and on the character and appearance of the conservation area is an important material consideration. Similarly the proposal includes the loss of amenity grassland and four mature trees – the impact of which will also be considered within this section.

The internal conservation officer has been consulted regarding the proposals and has advised that due to the proposed hardstanding around the remainder of the building, the car park proposal will erode the remaining landscape setting of the listed building. It is accepted that there is a business case for the proposal, along with improved capacity for road users and disabled drivers. It is also

recognised that mitigation is offered through the green landscaping proposed to Balderton Gate, and the retention of a sense of spaciousness within the car park. The 1950s phase of the building which mainly faces the proposed car park but is also present to the front of the building is not significant, and removal of any elements relating to this phase is acceptable. This includes the modern wall to Balderton Gate. Removal of the hardstanding behind the wall is considered to be a heritage benefit in this case, and will improve the appearance of the listed building from the main roadway. I concur with this assessment.

The Conservation Officer has highlighted in his comments that “It will be for the decision-maker to judge whether these perceived benefits outweigh the harm caused to the setting of the listed building, which is less than substantial and moderate in the context of the NPPF. Given the relationship of the site to the existing London Road car park, the lighting and related car park infrastructure is not fundamentally harmful to the character of the CA in this case. Additional mitigation might be considered with a new hedge to Balderton Gate, replacing the line of the wall (reinforcing a sense of enclosure previously provided by the wall).”

The comments of the Conservation Officer regarding the potential to replace the wall to the NE of the building with a hedgerow to retain a sense of enclosure has been discussed with the applicant and they have advised that this is not an element of the scheme that they would like to be included within the application. The Conservation Officer has advised that this element is not fundamental to the acceptability of the scheme and as such any hedgerow planting here would be considered to be an additional benefit. As such the removal of the wall and replacement planting is considered to be sufficient to materially enhance the current arrangement of the principal elevation of the listed building.

Given the Conservation Officer has determined that this proposal will result in less than substantial harm to the character and appearance of the Listed Building, para. 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

I also note that the principal elevation of the building to the NE is bound by a low quality approx. 1.2 m high boundary wall with a barrier that is no longer functional. This element detracts from the setting of the listed building and given the proposal seeks to remove this feature and replace it with an amenity grassed area, which albeit small, will afford a softer visual appearance to the principal elevation of the building improving the setting of the historic asset. This is considered to be an enhancement.

### *Public Benefits*

The glossary of the NPPF does not define what is meant by a public benefit. However, paragraph 20 of the NPPG {ID: 18a-020-20140306} deals explicitly with the meaning of the term:

*“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*

*Public benefits may include heritage benefits, such as:*

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation”*

It is considered that this application will result in an economic benefit for the local area that will be accessible to the public. This benefit will enable visitors to the town to park more conveniently, help with congestion by avoiding visitors driving around looking for a space and given the number of spaces being created will be of benefit to wide range of people on a daily basis thus providing a genuine benefit that would impact a wide audience.

The proposed expansion is a genuine public benefit that will result in an overall net gain of 32 parking spaces, providing increased capacity at peak times in the day and at weekends which in turn will support and help protect and enhance the vitality and viability of town centre as envisaged by Core Policy 6. In addition Para 85 of the NPPF (2018) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. In addition, SP2 supports development of this nature stating that the District Council should work proactively to provide new infrastructure, facilities and services in urban areas. This expansion will do just that.

### *Impact on Trees*

The proposal includes the loss of four mature trees from the site. The trees are afforded a level of protection by virtue of being positioned within the Conservation Area. It is important that when considering development proposals consideration is given to the protection of the natural environment. Decisions should be made proactively to ensure that there is no unnecessary adverse impact upon the surrounding character as a result of development. Given the proposal seeks to entirely replace the amenity grassland and remove a number of trees including a false acacia which is an ornamental species and two mature sycamore and a lime tree consideration has been given to the impact that this will have on the character and appearance of the area and the setting of the listed building. For the avoidance of doubt the ecological value of these trees and the impact of their loss will be considered later in this report.

In considering development proposals that will result in the loss of trees on a site that lies within the conservation area consideration must be given to whether the quality of the trees would sufficient to warrant their preservation through a Tree Preservation Order (TPO). I note that in

May 2017, following interest in removing the trees from the site the Council considered the protection of the group of trees (16/00008/TPO) and concluded that, whilst the trees inarguably contribute to the aesthetics of the area, there was not a reasonable degree of public benefit for making a TPO in this instance. As such, I must consider the conclusion not to protect these trees in my assessment of this application as a material consideration.

This parcel of land is land locked between the former Municipal building (NE), residential housing (properties on Knights Court to the SE) and by Newark Public Library (to the SW), in addition the boundary with the car park is treated with low level hedging. The land is not currently used by the public as amenity space as the land is associated with the former Municipal building. The TPO application concluded that the trees did not warrant the TPO status and I consider this to be because the level of public benefit afforded by these trees is minimal given the land is not used recreationally.

The tree survey submitted also concludes that the majority of the trees on site, by virtue of their peripheral positions are being retained and incorporated into the scheme post development thus maintaining the existing amenity value currently being provided. The retention of as much of the existing tree cover as possible in an urbanised environment is welcomed.

By way of mitigation for the tree loss, the proposed development is also considered to provide an ideal opportunity to secure a future generation of tree cover which shall not only be of benefit visually to those who frequent the site once its constructed but also the wider local tree population and continued greening of the Newark town centre urbanised areas. The positioning of this tree cover is proposed to be accommodated within tree planting areas surrounding the proposed car park and within new soft landscaping and green space between the northern car parking bays and the former Municipal building.

The tree survey discusses the Arboricultural implications at length and advises that the only significant losses of tree cover that are required to facilitate the car park extension are the removals of 'T2' Sycamore and 'T3' lime, both retention category A trees, along with 'T1' Sycamore of a moderate quality (category B) and a False Acacia. Although T2 and T3 were considered to be of high arboricultural quality; devoid of any notable structural defects, this category grade was given in the context of the site which was generally devoid of any trees of particular merit. Furthermore, their removal was concluded to have minimal impact in terms of their context within the wider environment. As they are located within an urban landscape, they have limited connectivity to wider arboricultural features which ultimately places a limit on their arboricultural and amenity values.

The Tree survey also goes on to state that "whilst the loss of any tree cover presents an arboricultural impact, the loss of this tree cover; despite comprising two category A trees, should not be seen as a constraint to the development. The confined nature of the site means it is difficult to retro-fit a feasible car parking layout whilst avoiding all of the retained trees. It is reasonable to suggest that this is the only area of land in the immediate vicinity which could accommodate the proposed car park and, upon reflection of the proposed schemes retention of a large majority of

the remaining assessed tree cover, the impact would be considered acceptable providing any recommendations made regarding mitigation measures are fully explored as part of the future development of the site”.

Nevertheless 4 trees would be removed 2 of which are high quality trees and 2 moderate quality and their loss is regrettable. Their loss and the harm caused will be weighed in the planning balance.

### Impact on Ecology

Policy DM7 of Newark and Sherwood’s Adopted Allocations & Development Management DPD specifies that: “On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP.” This is reflected by DM7.

The Ecological Impact Assessment submitted (produced by FPCR) concludes that there would only be minor loss of species of low ecological value at this site as a result of the development proposals. Habitats on the site have been considered to be of negligible conservation value, comprising mainly of managed short grassland and hardstanding habitats. The loss is not considered to be ecologically significant within the local context. I have no reason to disagree with this assessment.

The scheme would also see the loss of four mature trees. The survey highlights that these trees have negligible potential to support roosting bats, but do however provide structural diversity and opportunities for foraging wildlife and suitable nest sites for birds – leading the conclusion to be that these have a moderate ecological value within the context of the site.

To mitigate for the loss of these trees the planting of two new trees and a hedgerow is proposed along the southern site boundary – the survey concludes that as these mature the new trees will provide a similar ecological benefit to those removed notwithstanding the overall net reduction in tree cover that will result from the development proposed.

The ecological survey concludes that to maximise the ecological value of the soft landscaping, tree planting should include native species along with fruit and nut bearing species as these enhance foraging opportunities for local wildlife. The new hedgerow proposed along the southern boundary of the site is also advised to include species rich native planting to include at least six native woody hedgerow species.

A new landscaping strip is also proposed along the NE front boundary of the site. The Ecological survey advises that to maximise the ecological value, native species should be used that are of

value to wildlife with non-native species with overly complex flower structures or invasive species being avoided.

The survey goes on to recommend that small tree species that are suitable in this location include maple, silver birch and holly and that all informal areas of planting should use native species and be subject to sympathetic management to promote their conservation value. All other areas of existing hardstanding, apart from the formal parking areas are proposed to be replaced with amenity grassland. I concur that the recommendations within this survey are reasonable to mitigate any harm to ecology and this will be controlled through the use of a landscaping schedule condition that requires the submission of further details of the landscaping scheme prior to implementation of any planting - the retention of which shall also be controlled via condition.

### Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including loss of privacy upon neighbouring development. The NPPF as revised continues to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

In assessing the extension to an existing car park, I would expect that one of the main amenity issues to be the potential for noise disturbance from the associated increase in vehicular traffic. I note that the site is bound by the former Municipal building (NE), residential housing (properties on Knights Court to the SE) by Newark Public Library (to the SW) and the existing car park (NW).

However, given the relatively modest scale of the proposed extension reconfiguration to the existing car park to provide 32 additional spaces, in comparison to the existing 106 spaces on the site, I am satisfied that the proposal would not result in a significantly greater level of activity than currently exists to unduly impact on the amenity of neighbouring sites. Therefore it is considered that the proposal accords with the aims of policy DM5.

In terms of the external lighting proposed, I am satisfied that the proposed lighting columns are appropriate to ensure that the car park extension can operate in a safe, convenient way and that this would not unduly impact upon the residential amenity of neighbours nearby (in excess of 30 m from the closest lighting column). This is a view shared by our Environmental Health Officer who raises no concerns.

### Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that there is effective parking provision, both on and off-site of new development. Development is to be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Further to this, it is required that attractive accesses for all are provided, including the elderly and disabled, and others with

restricted mobility. This is reflected in Policy DM5 of the DPD which requires the provision of safe access to new development and appropriate parking provision.

The Highways authority has been consulted on this application and their comments are awaited. However they are not expected to raise any highway safety concerns. Comments received will be reported as a late item to the Planning Committee.

It is considered that the creation of an additional 32 parking spaces would better cater for existing customers and improve the situation in the surrounding the site which is frequently oversubscribed. The proposal would accord with the aims of SP7 which aims to provide sufficient on-site parking for developments. The proposal would further satisfy SP8 which aims to improve community facilities where there is a deficiency in the current provision, which in this case there would be an improved car parking facility to the existing public library as well as according with the aims of CP6 in ensuring the vitality and viability of the town centre.

### Other Matters

Comments received in relation to the impact that this proposal could have in contributing to climate change and global warming have been considered and in this case I would highlight that the additional car parking spaces are required to address the current requirement for more parking within the district centre, to support the vitality of the town centre and high street which is often discussed, as one commenter has highlighted, in the media as being at risk of decline and closures. The car parking provision is also considered to be a benefit to the Newark on Trent tourism market to support the visitors to the town centre. Whilst I appreciate that the proposal seeks to accommodate more cars within the area I do not consider there would be such an increase in car borne traffic that the proposal could be considered to have an impact on climate change that would warrant a reason for refusal.

### Planning Balance and Conclusion

There are a number of matters that require balancing in this case.

The Conservation Officer and I both agree that the loss of amenity land surrounding the listed building would result in harm to the listed building and its setting. The level of harm is considered to be less than substantial in the context of the NPPF but is nevertheless still harm. The loss of four trees (2 high quality and 2 moderate) is also unfortunate and weighs negatively against the proposal albeit I also recognise that these trees were previously not considered to contribute to public amenity sufficient to protect them by way of a TPO.

However on the other hand the proposal would increase parking provision and disabled parking spaces to a public car park in the town centre in an area that experiences high demand and is often full to capacity during peak times. The proposed expansion is a genuine public benefit that will result in an overall net gain of 32 parking spaces, providing increased capacity at peak times in the day and at weekends which in turn will support and help protect and enhance the vitality and



viability of town centre as envisaged by Core Policy 6. In addition Para 85 of the NPPF (2018) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. In addition, SP2 supports development of this nature stating that the District Council should work proactively to provide new infrastructure, facilities and services in urban areas. This expansion will do just that.

I also note that the scheme would bring about an enhancement through the removal of the boundary wall from the principal elevation of the listed building which weighs in the scheme favour.

I am mindful that the loss of the trees which have a positive impact within the conservation area, can in part be mitigated through the planting of replacement trees in different locations within the site.

In terms of ecology there would be no identified adverse impacts and given the proposals to replant trees of a native variety, I consider this is neutral in terms of the planning balance.

Having considered all matters, I conclude that the removal of the wall and the public benefit of the proposed public car parking expansion are considered to outweigh the harm identified. The proposal will see a development that will help support the vitality and viability of the Town Centre and will provide for the tourism market within the area. The proposal therefore is in accordance with the objective of preservation set out under sections 16, 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

There is no other harm identified.

Given the above, I recommend that planning permission be granted.

## **RECOMMENDATION**

**That full planning permission is approved subject to the following conditions**

### **Conditions**

01

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

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

02

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

- Amended Site Location Plan - R/202-01
- Site Clearance and Tree Removal Plan - R/202-03
- Plan as Proposed – R/202-04
- Setting Out Dimensions – R/202-05
- Construction Details and Cross Sections – R/202-06
- Proposed Lighting – R/202-07
- Proposed Drainage Details – R/202-08
- Proposed Signage – R/202-09

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.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Prior to first use of the development hereby approved full details of the soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

The development hereby approved shall be undertaken in strict accordance with the tree protection measures outlined in section 5.0 of the Arboricultural Assessment at: London Road Car Park Extension produced by FPCR Environment and Design Ltd dated October 2018, unless otherwise first agreed in writing with the Local Planning Authority.

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

07

No trees, shrubs or hedges within the site which are shown as being retained within the Tree Retention Plan within the Arboricultural Assessment at: London Road Car Park Extension produced by FPCR Environment and Design Ltd dated October 2018 shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

### **Notes to Applicant**

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

As part of the developer's considerations of inclusive access for all, it is recommended that attention be drawn to BS8300:2018 - Design of an accessible and inclusive built environment - Buildings and external environment - which contains useful information in this regard.

Pedestrian approaches and footpaths should be carefully designed to ensure that they provide safe, well lit, barrier free level footway network from the car parking, with dropped kerbs and appropriate tactile warnings at road crossing points, as applicable. Routes should be smooth, level, non-slip, and of sufficient width. Consider any camber to footpaths to ensure wheelchair users are able to safely manoeuvre. It is recommended that any information and directional signs around the development are clear and positioned so as to be easy to read.

An adequate parking provision for disabled motorists should be carefully considered within car

parking. BS8300:2018 gives information in respect of proportion and layout of spaces. Ticket dispensing machines are often difficult to reach and to manipulate by drivers with hand or reach impairments and other disabled people. As a consequence, careful consideration should be given to their design and use by disabled people. Likewise guidance is given in BS8300 regarding any vehicle height barriers and considerations for the passage of a disabled motorist's high-top conversion vehicle.

Street furniture such as any cycle racks, litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route.

It is recommended that the developer be mindful of the Equality Act.

03

The ecological survey concludes that to maximise the ecological value of the soft landscaping, tree planting should include native species along with fruit and nut bearing species as these enhance foraging opportunities for local wildlife. The new hedgerow proposed along the southern boundary of the site is also advised to include species rich native planting to include at least six native woody hedgerow species.

A new landscaping strip is also proposed along the NE front boundary of the site. The Ecological survey advises that to maximise the ecological value, native species should be used that are of value to wildlife with non-native species with overly complex flower structures or invasive species being avoided.

04

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 Honor Whitfield on ext. 5827.

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 & Regeneration**

## Committee Plan - 18/01917/FUL

