

PLANNING COMMITTEE – 26 MARCH 2019

Application No:	19/00305/FULM (MAJOR)	
Proposal:	Application to vary condition 16 (to enable the construction of all new build dwellings in one phase) and to vary Condition 8 (relating to the pedestrian access to Lindum Street) attached to planning permission 18/00125/FULM; (Proposed conversion of Hatton House (formerly Newark Working Mens Club) Beacon Hill Road Newark, to form 8 apartments. Remainder of building to be demolished. To include erection of 8 new cottages and associated access and landscaping works.)	
Location:	Newark Working Mens Club, 13 Beacon Hill Road, Newark On Trent NG24 1NT	
Applicant:	Northgate Lettings - Mr K Templeman	
Registered:	15 February 2019	Target Date: 17 May 2019

This application is being presented to the Planning Committee as Newark Town Council has objected to the varying of conditions which is at odds with the officer recommendation. It also comes before Members because the Planning Committee determined the previous scheme in July 2018. It was previously brought before the Committee by the Business Manager under his powers set out in the Scheme of Delegation due to the difficult balance that needed to be struck between heritage benefits and highway harm.

The Site

The site lies on the northern side of Beacon Hill Road in Newark and contains a Grade II listed building that was formerly the Newark Workings Men's Club. The list description states:

“Formerly known as: Hatton House School BEACON HILL ROAD. House, now working mens' club. Mid C19, with mid and late C20 alterations. Stucco with hipped slate roof and 4 coped external gable stacks, each pair with a shaped gable between them. Chamfered quoins, dentillated eaves. 2 storeys plus garrets; 3 window range. Projecting hipped central bay with central French window and fanlight, flanked by plain sashes and resembling a Venetian window. On either side, a tripartite plain sash. Tetrastyle Doric portico with dentillated cornice, covering a plastered doorcase with multiple keystones and 2-leaf fielded panelled door, flanked by single plain sashes. Single small sashes in each return angle. Beyond, single C20 French windows with sidelights. In each gable, a round headed margin light sash and above, a paired sash to the garrets. Interior altered late C20.”

The building is set amongst hardstanding which was last used for car parking and can, according to the applicants accommodate c54 cars. The building is currently vacant and in a relatively poor state of repair.

Vehicular access to the site is located from Beacon Hill Road between No. 11 Beacon Hill Road and

No. 1 The Close. The driveway is defined on either side by walls/fencing. There is an existing mono pitch garage (at the northern end of the drive) which appears to take its access from the driveway but which isn't the application site.

The application site also includes a small part of the garden of a property to the west which was erected under a permission granted in 1993 (FUL/93/0905) and is known as 26 Lindum Street. This part of the site until recently accommodated a single storey modern outbuilding which appears to have been demolished. This part of the site is bound by weathered fencing.

To the north of the site is the blank gable end of the two storey Victorian terraces of Lindum Street. No. 21 (the end terrace) takes its rear access via a passageway further along the row of the terraces albeit its garden bounds the site. Also to the north is the side elevation of Lindum Mews (a two storey mews terrace) which sits approximately 1 metre from the boundary (comprising relatively new timber fencing with laurel bushes planted in front of these). No. 1 Lindum Mews, (planning ref. 86/0217) which is the nearest dwelling, has a window at first floor level which appears to serve a bedroom.

To the south of the listed building are two storey modern dwellings known as numbers 1 to 7 The Close. These dwellings front the highway but vehicular access to these dwellings is between numbers 2 and 3 (which provides a view of the listed building from the roadside) and leads to its parking/garage court.

A Chapel of Rest/Funeral Directors has its buildings forming part of the eastern boundary with its single storey blank elevation facing the application site.

The site lies within the 'Newark Urban Area' as defined within the Allocations and Development Management DPD. The site also lies within an area that is prone to surface water run off according to the Environment Agency Maps.

Relevant Planning History

18/00125/FULM – 'Proposed conversion of Hatton House (formerly Newark Working Mens Club) Beacon Hill Road Newark, to form 8 apartments. Remainder of building to be demolished. To include erection of 8 new cottages and associated access and landscaping works'. This was approved by the Planning Committee in July 2018 contrary to officer recommendation and the highways advice. The permission has been implemented and construction is well underway on site.

18/00126/LBC – Listed building consent is sought for the 'Proposed conversion of Hatton House (formerly Newark Working Men's Club) Beacon Hill Road Newark, to form 8 apartments. Remainder of building to be demolished. To include erection of 8 new cottages and associated access and landscaping works.' This application was approved by the Planning Committee as recommended in July 2018. The consent has been implemented with works progressing on site.

PREAPP/00199/17 – Pre-application advice was sought for the conversion of the existing listed building to residential use and its extension by way of the erection of a new apartment block and some new dwellings; totalling 17 dwellings. Advice was offered in November 2017.

The Proposal

This application is made under section 73 to vary conditions 8 and 16 of the implemented permission; 18/00125/FULM.

Condition 08 stated:

No development shall be commenced until a scheme for the provision and implementation of the pedestrian link from the site to Lindum Street as shown on drawing number 17.3410.16D has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the timescales for its provision and include details of any temporary pedestrian link whilst plots 15 & 16 are under construction. The approved link shall thereafter be provided in accordance with the Scheme and retained or the lifetime of the development.

Reason: In the interests of ensuring that pedestrians have a sustainable alternative access to the wider area than along the driveway to Beacon Hill Road, in the interests of highway safety and sustainability.

At the Council's request, the applicant is applying to vary the condition to either install a keypad security system on the approved pedestrian gate (for the use of residents only) or alternatively, if Members prefer, to delete the requirement for the pedestrian link altogether. This request was made to the applicant given that the issue of the gate was not a matter that residents on Lindum Street had been given the opportunity to comment upon during the original application which has led to several complaints being received.

The other condition that is sought to be varied is Condition 16 of the original permission which states:

The construction of not more than four out of eight of the new build dwellings hereby approved (Plots 9 to 16 on the approved plans) shall be commenced prior to the completion of Plots 1 to 8 inclusive (the conversions) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the listed building is brought back into use in order to safeguard its special architectural or historical appearance in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD) without which the Authority would not have been prepared to grant planning permission.

The need to amend this condition has arisen due to issues with the developer's bank funding which will stall the developer's ability to progress with the development unless this is remedied. The application is seeking to amend the condition such that the condition would only prevent occupation rather than construction.

As a reminder, the previous (original) application related to the conversion (and change of use) of the former working men's club to 8 residential apartments and the erection of 8 new build dwellings within its grounds; totalling 16 dwellings. Car parking for 19 vehicles was proposed on-site having been amended from 16 in an attempt to address highway concerns. A pedestrian access route was proposed via a passageway at the north-west corner of the site linking the site to

Lindum Street to the north.

The S73 application is accompanied by a short supporting statement received 14th February 2019 and an email dated 20th February 2019 along with the application form.

Departure/Public Advertisement Procedure

Occupiers of 21 properties have been individually notified by letter. Site notices has also been displayed near to the site (at Beacon Hill Road frontage and Lindum Street) and an advert has been placed in the local press with the consultation period ending on 21st March 2019. Representations received following the printing of this agenda will be reported to Members on the Late Items Schedule.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

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 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 2019

Planning Practice Guidance 2014

Newark and Sherwood Developer Contributions SPD

Consultations

Newark Town Council – (28.02.2019) Members felt that there was no reason to vary these conditions and that they should be sustained.

NCC Highways Authority – No response received to date.

Representations have been received from 10 local residents/interested parties during the course of this application which can be summarised as follows:

- Object to the pedestrian access which is unnecessary;
- Residents of Lindum Street currently benefit from low crime and anti-social behaviour rates due to the street being a cul-de-sac which would change as a result on the new access;
- Fearful that opening the access up will put houses and vehicles at risk from anti-social behaviour and cause disturbance to neighbours;
- The changes will alter the appearance of the street to its detriment;
- Loss of privacy; lounges are directly onto footpath with no front garden;
- The pedestrian access only advantages the new residents not those on Lindum Street;
- Could increase/exacerbate existing litter problem that the street has;
- Already a big parking problem that this could add to and affect road safety;
- The cottage built is huge and overshadows the street;
- The lack of access to the street will not stop people buying the new properties; Equity and house prices would be affected;
- Question if the footpath is wide enough to the proximity of the front door of no.21 Lindum Street, suggesting that the opening of the door so close is disrespectful to privacy and intrusive;
- Disappointed with the notice time residents have been given and that is a pointless application;
- Concern that visitors for the new development will park on Lindum Street.

6 objections were received post the decision of 18/00125/FULM in respect of the proposed pedestrian access which Members have not previously seen. The issues raised mirror those set out above but other issues raised have been summarized below for completeness:

- Lindum Street could be used as a car park for visitors for those living at Lindum Street, affecting on-street parking for Lindum Street residents which is already difficult;
- Loss of value to houses on Lindum Street;
- Passageway immediately adjacent to no. 21 Lindum Street is not fair on the owner/occupier;
- It would act as a shortcut for non-residents and would be open to mis-use;
- Question if the pavements would cope with additional footfall;
- Concerns were raised at the lack of consultation with residents to the passageway.

Comments of the Business Manager

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it

should be granted unconditionally, the authority shall grant planning permission accordingly, and

- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

Whilst the application has defined which conditions are sought to be removed, the local authority has the power to vary or remove other conditions if are minded to grant a new planning consent, particularly where conditions have since been discharged or are no longer required.

Full planning permission was granted in July 2018 by the Planning Committee subject to a number of conditions which officers were tasked with drafting. The conditions to be varied are numbers 8 and 16 which will be discussed in turn.

Condition 8 – Pedestrian Link to Lindum Street

This variation has been made at the Council's request in response to complaints made by residents of Lindum Street post the original decision as they were not specifically consulted on the proposal to insert a pedestrian link from the development site to Lindum Street. This link was a late amendment from the applicant in an attempt to address NCC Highway concerns that the lack of a pedestrian access (to the site frontage) would encourage car dependency. This stemmed from the fact that given the width of the vehicular access, it was not possible to provide a separate pedestrian access to Beacon Hill Road hence the applicant added a link instead to Lindum Street. As the application was recommended for refusal at that time no further consultation was undertaken which was an oversight for which I apologise.

In response to the amended plan that detailed the pedestrian link, NCC commented at that time that:

“This proposal does not change our views. The new pedestrian link is not an attractive option for people accessing the town centre and not on the shortest desire line. No further comment.”

In overturning the officer recommendation, Members delegated the imposition of suitable conditions to officers and Condition 8 was added. This states:

No development shall be commenced until a scheme for the provision and implementation of the pedestrian link from the site to Lindum Street as shown on drawing number 17.3410.16D has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the timescales for its provision and include details of any temporary pedestrian link whilst plots 15 & 16 are under construction. The approved link shall thereafter be provided in accordance with the Scheme and retained or the lifetime of the development.

Reason: In the interests of ensuring that pedestrians have a sustainable alternative access to the wider area than along the driveway to Beacon Hill Road, in the interests of highway safety and sustainability.

The condition has subsequently been discharged detailing that the link would be provided prior to first occupation of the site, which is expected later this year.

What is clear from the consultation process (and indeed the complaints received since the granting of the original approval) is that the proposed pedestrian link is unpopular with existing residents of Lindum Street. Residents have raised concerns regarding fear of crime and disorder and that the link would encourage members of the general public to use it as a shortcut which would be a nuisance as the Street is currently a cul-de-sac.

I understand these concerns. However as the link would allow for a second wheelie bin collection point which would disperse the number of bins being put out on Beacon Hill Road, I consider that this is of some benefit to residents who could also use this for easier access to the north, including to the One Stop shop at the end of Lindum Street and Northgate Railway Station.

On this basis, fitting a keypad security system to the gate which still allows access but for residents only would seem to me to be an appropriate compromise.

I note that there are also concerns that visitors could park their cars along Lindum Street using it as a car park due to the development site have only one parking space per unit. However whilst the planning system is unable to prevent this, this type of occurrence is unlikely to be frequent when considering that users would need the security code to enter the site and there is on-street parking available at the site frontage of Beacon Hill Road which is the more obvious place for visitors to park.

I therefore suggest that the condition is amended to require that a security pad system is installed to prevent unrestricted access. However it is open to Members to not require the pedestrian access to be provided at all having considered the residents' comments and bearing in mind that this didn't address NCC Highways concerns in any event.

Condition 16 – Restrictions to Construction of New Build Dwellings

In considering whether the planning condition should be removed, it is necessary to look at the reasons it was imposed in the first instance. Condition 16 sought to limit the number of dwellings from being constructed until the conversion of the listed building was completed. The reason for the condition was stated as:

To ensure the listed building is brought back into use in order to safeguard its special architectural or historical appearance in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD) without which the Authority would not have been prepared to grant planning permission.

In imposing the condition, officers were keen to ensure that the developer was unable to just build out the new build elements and mothball the listed building. Rather, it was seen as a mechanism to ensure that the listed building was given priority or at least to provide an incentive to implement the conversion scheme.

The developer however is having issues with bank funding and therefore has requested the condition be varied. The developer has chosen to develop out the site in one phase. In terms of on-site progress, all of the new build units are actually at an advanced stage of build, with doors and windows being fitted ready for internal fit out. This is technically in breach of the condition as is imposed at present. Officers have also been on site in connection with discharging the relevant conditions associated with the detailing of the listed building consent. I can confirm that good

progress has been made internally and the works undertaken so far are to a very high specification. I am satisfied that the works are progressing on site and that it is not the developer's intention (who has a proven track record of working on heritage buildings in the area) to mothball the listed building.

On this occasion, I consider that amending the condition such as to prevent occupation of the new build units until such time as the listed conversion is complete is reasonable and enforceable and would allow the developer to continue with the important renovation project which has the public benefit of bringing back into use a neglected building which would (and indeed already is – in terms of on-site progress) see some real heritage gains.

Assessment of the remaining conditions

The NPPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. In this case as the development has begun, the time condition does not need to be re-imposed.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with ~~striketrough~~ text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording. The conditions have been reworded where details have been provided through a discharge of condition application. Commentary is also provided where this is considered necessary to assist Members.

Planning Balance and Conclusion

The officer recommendation to the original application was a very finely balanced (and reluctant) refusal based purely on highway safety advice received from NCC Highways Authority. Members attached more weight to the conservation and heritage benefits of the scheme and took the view that the inadequate highway width to Beacon Hill Road would be inadequate for whatever use came forward for the site. I attach significant weight to Member's previous view on the matter.

As decision makers, Members are only entitled to consider the very narrow scope of the matter of varying the conditions imposed and not reconsider the principle of the original scheme. The officer recommendation in respect of Condition 8 is that Members agree to the installation of a pedestrian link accessible only by a security keypad (albeit if Members are minded to conclude it is not required at all the condition could be deleted in its entirety). In respect of Condition 16, it is recommended that preventing occupation of any of the new build dwellings gives the Authority sufficient comfort and control to require the completion of works to the listed building and the applicant's suggested amended condition is acceptable.

Approval is therefore recommended subject to the conditions as set out below.

RECOMMENDATION

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

Conditions

For ease of reference the conditions are originally imposed are listed in full below (in the recommendation section) with ~~striketrough~~ text used to represent omissions and **bolded text** used to indicate new wording. The conditions have been reworded where details have been provided through the discharge of conditions. Commentary is also provided where this is considered necessary to assist Members.

~~01~~ (This condition is no longer necessary as the development has already commenced)

~~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~~ (This condition is no longer necessary as all new build dwellings are substantially complete in terms of their external shell)

~~The new dwellings hereby approved shall be constructed from the Weinberger Oast Russet facing brick unless otherwise agreed in writing by the Local Planning Authority.~~

~~Reason: In accordance with the proposed bricks advanced as part of the application (by email on 18th July 2018) in the interests of visual amenity.~~

~~03~~ **01** (Modified, to reflect the fact that elements of the condition have already been agreed and implemented on site)

No development shall be commenced until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials (other than bricks which are approved ~~as part of Condition 2~~)

Roofing tiles

Cladding

Render (colour, finish and specification)

Reason: In order to safeguard the special architectural or historical appearance of the listed building and its setting and in the interests of visual amenity.

~~04~~ **02** (Modified to reflect that some details have been previously agreed)

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority.

Development shall thereafter be undertaken in accordance with the approved details and retained in situ unless otherwise agreed in writing by the local planning authority.

- o All windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars;
- o ~~Treatment of window and door heads and cills;~~
- o ~~Rainwater goods;~~
- o Plinths;
- o Extractor vents;
- o Flues;
- o Meter boxes;
- o Airbricks;
- o ~~Soil and vent pipes;~~
- o Enclosures around basement windows;
- o Retention of a downstand where historic walls are to be widened out;
- o The specification for the tanking of the cellar (which shall follow the broad details as set out in the agent's email of 1st March 2018);
- o Height specification of 'robes' at first floor as shown on drawing no. 17.3410.19A;
- o ~~External lighting;~~
- o ~~Letter boxes;~~
- o Any new fireplaces and surrounds;
- o ~~All architectural details of the reinstated staircase from ground to first floor including, but not limited to, the decorative metal stair rods, the risers, hand rail etc;~~

Reason: In order to safeguard the special architectural or historical appearance of the listed building and in the interests of visual amenity.

~~05~~ **03** (Whilst good progress has been made in negotiating the details of this, a final version is yet to be signed off so the condition should remain)

No works shall be commenced in respect of the features identified below until a scheme of restoration and repair in respect of the proposed conversions has been submitted to and been approved in writing by the Local Planning Authority in respect of the following:

- o All internal joinery and plasterwork including but not limited to decorative coving, moulding to the ceiling, skirting boards, picture rails, treatment of floor tiles including any replacement or new within the hallway at ground floor and brick pavers in basement.
- o Retained Fireplaces
- o Where new materials are identified as being necessary their specification shall be fully detailed.

The approved scheme of restoration and repair shall be implemented in full on site prior to first occupation.

Reason: In order to safeguard the special architectural and historic interest of the building.

~~06~~ **04** (Whilst good progress has been made in negotiating the details of this, a final version is yet to be signed off so the condition should remain)

Prior to first occupation of any of Plots 1 to 8 (the conversions) a scheme detailing the specification for upgrading the thermal and sound insulation between floors shall be submitted to and shall be approved in writing by the Local Planning Authority. The approved specification shall be implemented in full prior to first occupation.

Reason: In order to ensure that sound insulation is satisfactory in the interests of amenity and in order to safeguard the special architectural and historic interest of the building.

~~07~~ **05** (To remain unaltered)

No part of the development shall be brought into use until the boundary fencing around the sites periphery as shown on the approved drawing number 17.3410.16D have been stained in a dark brown finish.

Reason: In the interests of residential and visual amenity and to protect the setting of the listed building.

~~08~~ **06** (Amended)

~~No development shall be commenced until a scheme for the provision and implementation of the pedestrian link from the site to Lindum Street as shown on drawing number 17.3410.16D has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the timescales for its provision and include details of any temporary pedestrian link whilst plots 15 & 16 are under construction. The approved link shall thereafter be provided in accordance with the Scheme and retained for the lifetime of the development.~~

Prior to first occupation of any of the dwellings hereby approved, the pedestrian access link to Lindum Street (as indicated on drawing no. 17.3410.30 (Site Plan & Specification)) shall be provided on site with a gate fitted with a keypad security system to allow pedestrian access for residents of the development only. The installed gate including the security keypad system shall be retained on site for the lifetime of the development.

Reason: In the interests of ensuring that pedestrians have a sustainable alternative access to the wider area than along the driveway to Beacon Hill Road, **whilst preventing the unrestricted use of the access**, in the interests of highway safety and sustainability.

~~09~~ **07** (To remain unaltered)

Plots 1 to 8 (the conversions) shall not be occupied until the bin store as shown on drawing number 17.3410.16D has been provided. The bin store shall then be retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

~~010~~ (Details have been discharged so this condition is no longer necessary)

~~No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:~~

~~a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.~~

~~means of enclosures;~~

~~hard surfacing materials;~~

~~Reason: In the interests of visual amenity and biodiversity and in the interests of protecting the setting of the listed building.~~

~~011~~ **08** (Amended to include details of the approved landscaping scheme)

The approved soft landscaping (**as shown on drawing no. 17.3410.30 (Site Plan & Specification) submitted as part of the application to discharged conditions attached to 18/00125/FULM**) shall be completed during the first planting season following the commencement 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping (including boundary treatments) shall be completed prior to first occupation unless otherwise agreed in writing by the Local Planning Authority.

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

~~012~~ **09** (To remain unaltered)

Prior to first occupation of any of the dwellings hereby approved, the parking spaces and turning areas shown on drawing number 17.3410.16D shall be provided and marked out on site unless otherwise agreed in writing by the Local Planning Authority. The parking and turning areas shall be retained for the lifetime of the development.

Reason: In the interests of highway safety.

~~013~~ **010** (To remain unaltered)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

Or Schedule 2, Part 2:

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

Or Schedule 2, Part 14 of the Order in respect of:

Class A: The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar for microgeneration within the curtilage of a dwelling house or block of flats.

Class C: The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or block of flats.

Class D: The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a dwellinghouse or a block of flats.

Class E: The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats.

Class F: The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in order to protect the setting of the listed building and in the interests of amenity.

~~014~~ **011** (To remain unaltered)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the north elevations of Plots 14, 15 or 16, or the western elevation of Plot 16, or the north elevation of Plot 13 or the south elevation of Plot 9 of the development hereby permitted.

Reason: To safeguard against the overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

~~015~~ **012** (To remain unaltered)

The first floor en-suite window to Plot 15 on the north elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

~~016~~ **013** (Amended)

~~The construction of not more than four out of eight of the new build dwellings hereby approved (Plots 9 to 16 on the approved plans) shall be commenced prior to the completion of Plots 1 to 8 inclusive (the conversions) unless otherwise agreed in writing by the Local Planning Authority.~~

None of the eight new build dwellings hereby approved (Plots 9 to 16 on the approved plans) shall be occupied until Plots 1 to 8 inclusive (the conversions) have been completed and are capable of residential occupation.

Reason: To ensure the listed building is brought back into use in order to safeguard its special architectural or historical appearance in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD) without which the Authority would not have been prepared to grant planning permission.

~~017~~ **014** (To remain unaltered)

There shall be no works or repairs to the soffits of the listed building during bat activity season (April to September) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with the suggested mitigation measures outlined in the Protected Species Survey by CBE Consulting that accompanied the planning application.

~~018~~ **015** (To remain unaltered)

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

- o 17.3410.16D - Detailed Planning Sheet 1 of 8 (Proposed Block Plan, Site & Roof Plans) received 01/06/2018
- o 17.3410.17B - Detailed Planning Sheet 2 of 8 (Proposed Elevations for Plots 1 to 8)
- o 17.3410.18B - Detailed Planning Sheet 3 of 8 (Proposed Floor (Basement & Ground) Plans for Plots 1 to 8)
- o 17.3410.19B - Detailed Planning Sheet 4 of 8 (Proposed Floor (First & Second) Plans for Plots 1 to 8)
- o 17.3410.20 - Detailed Planning Sheet 5 of 8 (Elevations for Plots 9 to 13)
- o 17.3410.21 - Detailed Planning Sheet 6 of 8 (Floor Plans for Plots 9 to 13)
- o 17.3410.22A - Detailed Planning Sheet 7 of 8 (Elevations for Plots 14 to 16)
- o 17.3410.23A - Detailed Planning Sheet 8 of 8 (Floor Plans for Plots 14 to 16)

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

Reason: To define this permission and for the avoidance of doubt.

Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-

actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

This application should be read in conjunction with the listed building consent issued under reference 18/00126/LBC.

~~03~~ (This matter is sufficiently controlled by the implemented original scheme 18/00125/FULM and doesn't need to be re-imposed)

~~This application is accompanied by a Unilateral Undertaking that secures a financial contribution in respect of off-site affordable housing.~~

~~04~~ 03

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

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

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 - 19/00305/FULM

