

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/00903/FUL
Proposal:	Part conversion of function room and secondary bar area into one bed flat. Installation of 2no. new rooflights and associated internal alterations. Part change of use from A4 to residential flat ancillary to PH for live-in Landlord.
Location:	The Prince Rupert, 46 Stodman Street, Newark On Trent NG24 1AW
Applicant:	Knead Pubs - Mr Mick Thurlby
Registered:	20.05.2019
	Target Date: 15.07.2019
	Extension of Time Agreed Until 11.09.2019

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation. It should be noted that following the comments from the Town Council the agent has submitted a plan to address their concerns. The plan is due to be discussed at the next Town Council meeting on the 4th September 2019. The Town Council may withdraw the objection prior to committee and the application would then be decided under delegated powers.

The Site

The application relates to the Prince Rupert public house which was built in the 15th century and is situated on Stodman Street in Newark Town Centre. The building is Grade II listed and has adjoining buildings to either side.

Relevant Planning History

09/00676/FUL Dormer roof - Granted permission and implemented, not completed.
09/00677/LBC Alterations to Listed building - Granted Consent
10/00740/ADV Proposed hanging sign & menu board (Retrospective) - Granted Consent

The Proposal

The application has been submitted alongside a listed building consent application and seeks permission for the conversion of the roof space into a residential apartment for a live in landlord. This would consist of the reconfiguration of the existing first floor layout to the rear section of the building and the installation of 2no. new rooflights. The existing boiler room would be converted into an en suite (as per the previous permission), the bar area would be a lounge area and kitchen, and the function room would be separated into a corridor and separate bedroom. There would be a rooflight to the shower room (as per previous permission), one to the lounge and one to the bedroom.

Submitted Documents

Drawing no. (08)001 rev P1 Block and Location Plan
Drawing no. (08)002 rev P1 Existing and Proposed First Floor Plan
Drawing no. (08)003 rev P1 Existing and Proposed Rear Elevation
19-741 Design and Access Statement
Drawing no. (32)001 Internal Door Joinery
19-741 Schedule of Works Methodology Statement

Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 14 – Historic Environment
NAP 1 – Newark Urban Area

Allocations & Development Management DPD

DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Newark Town Council commented:

It was decided to Object to this application on the following grounds:

i) Members were concerned about the lack of available space for refuse bins for the property.

These could be a potential safety hazard being placed in front of a fire escape.

ii) Members would like to see Newark & Sherwood District Council produce a Waste Strategy for residential waste within the Town Centre, due to the number of residential flats above retail premises increasing. Further, that a complete moratorium be imposed on any further Town Centre residential developments being considered until a Strategy has been produced and approved.

The Conservation Officer commented:

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). Section 16 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

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). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Significance of heritage asset(s)

The application relates to the former Woolpack PH which is grade II listed (LEN 1232018). The building was designated in September 1950. The listing description advises;

'Public house. 1452, altered early C19 and late C20. Timber-framed with rendered and colourwashed front, and brick, with pantile roof. Comprises the central and right-hand bays of a Wealdon house. Deep coved eaves to left bay with curved bracket to right, and jettied right bay supported on curved brackets. 2 brick gable stacks. 2 storey, 2 bays. Street front has 2 small glazing bar sashes, below near-central beaded 4-panel door and overlight, flanked by late C20 single pane windows. Rear brick wall has C20 single storey addition and above a 2-light sliding sash. Gabled rear wing added late C18, partly colourwashed brick. East wall has a door and a 3-light sliding sash, with above a 2-light casement. East wall has 2-light sliding sash with glazing bars and a small margin light sash above. Rear wall has inserted 3-light casement. Interior: retains late C18 stick baluster stair case. Central corridor plan. Front has 2 pub rooms have fitted with C19 upholstered benches and a single C19 fireplace. 2 bays of a Wealdon house. Upper floor has lime ash floor and various plank doors. Single L-plan stud partition wall, divides western upper room. Roof has 3 original trusses with tie beam and arched braces supporting a collar, that to the west not complete'.

The site is located in Newark conservation area. The conservation area was originally designated in 1968, it has been reviewed and extended many times since then. The site is located in the original conservation boundary.

Assessment of proposal

The application is to convert an existing function room into a managers flat, with separate access to storage space.

The access to the storage creates an unusual subdivision of this part of the building. However, there does not appear to be a suitable alternative. As a curtilage listed building that has been altered it is considered the proposed alteration does not result in harm. The scheme includes a few rooflights, including reopening a former opening and a new opening. These are located to the rear of the building which is not highly visible and relates to an elevation that is not of the highest of significance.

As a residential conversion a number of building regulations are required to be met, however the details submitted are indicative, including compartment wall and structural steels beam. I recommend a schedule of works should be conditioned for more precise detail on the structural work necessary for the conversion.

The proposal will preserve the character and appearance of the conservation area. The proposal therefore reflects the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

I recommend the following conditions;

Doors to be agreed

Before the doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed door details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

Details of services to be agreed

Before they are installed, full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

Schedule of works; submitted and agreed.

Prior to the commencement of works, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works which comprehensively addresses compartment wall construction and steel beam supports.

Reason: To preserve the special architectural and historic interest of the listed building

Rooflights

Before the rooflights hereby granted consent are installed, a detailed specification of all new rooflights shall be submitted to and agreed in writing with the Local Planning Authority. The works shall only be carried out in accordance with the approved details. The rooflight(s) specification shall include details of:

- Size;
- Material;
- Colour;
- Method of opening;
- Method of fixing; and
- Appearance.

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

Further to these comments the agent requested an extension of time on the application to submit the details as required above.

The submitted schedule of works, rooflights and doors details have been forwarded to the Conservation Officer and are considered acceptable. One condition has been recommended as follows:

‘No structural work relating to a s steel beam support shall be undertaken until working drawings have been submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.’

No further representations have been received to date.

Comments of the Business Manager

Principle of Development

The application site is located within the centre of Newark. Spatial Policies 1, 2 and NAP1 of the Adopted Core Strategy identify Newark as a Sub Regional Centre where the focus is for residential, commercial and leisure activity within the District. I am satisfied that the site is located within the main built up area of Newark and as Newark is identified as a sustainable settlement I consider the principle for residential development is accepted within this location.

Core Policy 3 sets out the housing mix, type and density expectations for the District. The District Council will seek to secure an appropriate mix of housing types to reflect local housing need. Such a mix will be dependent on the local circumstances of the site. The application is for a one bedroom flat to fulfil the requirements of the business for a live in landlord. As such I consider the proposal to be in accordance with Core Policy 3.

Policy DM5 sets out the criteria by which all new development should be assessed including (but not limited to) access, amenity, and local distinctiveness and character. The building is located within Newark Town Centre and is an existing community facility that the Council seeks to preserve in accordance with Spatial Policy 8. As such, proposals which retain or enhance the public house use are considered acceptable in principle. The use of the space to the first floor as a self-contained residential flat for the purpose of a live in landlord would be ancillary to the business and existing use and is considered acceptable.

The building is Grade II listed and located within the Conservation Area therefore the proposal must be carefully assessed to ensure that there is no harm to the historic significance of the building or the character of the Conservation Area.

Impact on Visual Amenity, the Character of the Area, the Conservation Area and the Listed Building

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.

Core Policy 14 of the Newark and Sherwood Core Strategy (adopted 2019) states that the Council will aim to secure the continued preservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment and the preservation of the special character of Conservation Areas – including such character identified in Conservation Area Character Appraisals. This is also reflected in Policy DM9.

Policy DM9 (Protecting and Enhancing the Historic Environment) states development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing.

Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 192 states that when determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which it possesses and pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The majority of the proposal is internal work to facilitate the conversion to a flat and as such would not impact upon the character and appearance of the Conservation Area. The proposed rooflights are to the rear of the property and would be well screened by the front of the building and the surrounding buildings. The Conservation officer has noted that the rooflights relate to an elevation which is not highly significant to the character and appearance of the listed building, given the alterations over the years and as such would not cause harm to it.

With the above in mind I do not consider that the proposal would have a detrimental impact on the character and appearance of the listed building or the conservation area and is in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

Policy DM5 states in relation to amenity that 'the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.'

The proposal would have no impact on residential amenity in terms of overbearing impact or loss of light as there are no extensions or external changes proposed apart from the rooflights. The rooflights are positioned so that they would not present any issues with overlooking to any neighbouring properties and therefore would not cause a loss of privacy.

There would not be a private outdoor area for the occupier nor space for parking. There are however green spaces close to the site for example Newark Castle Grounds and Sconce Park which can easily be accessed on foot. Given the town centre location there is good access to public transport by both bus and train. Furthermore, services and shops would be easily accessible to the occupier. Considering the nature of the purpose of the dwelling for a live in landlord, I do not feel these minor amenity issues would outweigh the benefit for the public house and as such do not feel that the proposal should be refused on this basis.

Waste Management

The Town Council have objected to the application with concerns that there is not adequate space to store refuse bins without compromising fire exit doors. The agent has subsequently submitted a plan to indicate that there is sufficient space for bins to be stored without blocking any fire exits. As such I do not consider this a reason for refusal.

Conclusion

To summarise I consider the proposal to be acceptable and that it would not cause harm to the listed building. The proposal is in accordance with the Development Plan and the NPPF which is a material consideration. I therefore recommend that planning permission is granted.

RECOMMENDATION

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

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 accordance with the following approved plans, reference

Drawing no. (08)001 rev P1 Block and Location Plan

Drawing no. (08)002 rev P1 Existing and Proposed First Floor Plan

Drawing no. (08)003 rev P1 Existing and Proposed Rear Elevation

Drawing no. (32)001 Internal Door Joinery

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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 through an application seeking a non material amendment.

Reason: In the interests of visual amenity

04

No structural work relating to a steel beam support shall be undertaken until working drawings have been submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the agreed details.

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

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/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 there is no additional floorspace proposed.

02

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

03

This planning permission should be read in conjunction with listed building consent reference 19/00904/LBC. Please note that there are conditions attached to the listed building consent which relate to the internal works and will require discharging.

[Background Papers](#)

[Application case file. 19/00903/FUL](#)

[For further information, please contact Ellie Sillah on ext 5770.](#)

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

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