PLANNING COMMITTEE - 8 OCTOBER 2019

Application No: 19/01575/S19LBC

Proposal: Application to vary conditions 2, 3, 4, 5, 6, 7, 8 and 9 to allow alterations

to facade of retail Unit 3, minor internal alterations and update historic fabric to be retained in relation to planning permission 18/01021/LBC; Partial demolition of the former Robin Hood Hotel with retention of the façade, eastern gable and parts of the roof and internal fabric and integration with a new 66 No. bedroom Travelodge Hotel (Class C1) along with 3 No. units for flexible retail (Class A1), financial and professional services (Class A2), café/restaurant (Class A3) and leisure

(Class D2) uses.

Location: Site Of Robin Hood Hotel

1 - 3 Lombard Street Newark On Trent Nottinghamshire

NG24 1XG

Applicant: Mr Niel Strawson - MF Strawson

Agent: Mr Mark Pickrell

Registered: 18.09.2019 Target Date: 13.11.2019

Website Link: https://publicaccess.newark-sherwooddc.gov.uk/online-

applications/simpleSearchResults.do?action=firstPage

This application is being before the Committee as the Council, as joint developer, has an interest in the land.

The Site

The site comprises three Grade II listed town houses known as the Robin Hood Hotel at Lombard Street. At the Beaumond Cross junction with Lombard Street, the site forms a key gateway to the town occupying a prominent position within the Newark Conservation Area and the Potterdyke redevelopment scheme.

The Robin Hood Hotel comprises 3 former houses and a public house last occupied as a hotel and shop, although the buildings have now been vacant since 1999. The building was listed in 1971 and its listing description (last amended in 1992) describes these houses as early and late 18th century, early and mid-19th century and late 19th century, with 20th century additions and alterations. For completeness the full listing description is repeated below:

"3 houses and public house, now an hotel and shop. Early C18, late C18, early and mid C19, with late C19 and early C20 additions and alterations. Colourwashed brick and render, with slate and concrete tile roofs. Early C18 central block has steep pitched slate roof with single ridge stack. Plinth, first floor band, gutter brackets, single coped gable. 2 storeys; 5 window

range of 12 pane sashes. Below, 4 plain sashes. Late C18 block to right has first floor band and dentillated eaves. 2 storeys; 3 window range of segment headed 12 pane sashes. Central early C19 Ionic stucco surround to moulded doorcase flanked by single segment headed plain sashes. To right again, late C19 addition, colourwashed brick with stone dressings. First floor band, eaves cornice and parapet, with side wall stack. Segment headed plain sashes, those to ground floor with keystones. 2 storeys. Angled corner with 3 windows on each floor. Right return has 8 windows, the 3 to left being smaller. To left, mid C18 block has incomplete first floor band, eaves band, cogged and dentillated eaves and single gable stack. 2 storeys; 3 window range of segment headed 12 pane sashes. To left, late C20 shopfront, and to right, a segment headed plain sash. To left again, mid C19 addition in 3 blocks. Stucco dressings, chamfered quoins, first floor band, 2 side wall stacks. 2 blocks to right have parapets. Single and 2 storeys. Right block has 2 small plain sashes and below, C20 shopfront. Single storey central block has a pair of carriage doors flanked to right by 2 plain sashes. Left block has moulded eaves and hipped roof with hipped clerestorey. 3 window range of C20 single pane windows. Below, C20 door to right. Interior refitted mid and late C20. Part of the building was formerly listed as 3 Lombard Street, PRN 619-0/3/108".

Although the Robin Hood Hotel appears to have originally been three town houses, it is assumed that these were adapted into one by the point of the first historic reference to the Robin Hood Hotel as a public house in 1781. Survey plans from 1790 demonstrate service elements probably including stables, brewery and kitchens. In 1852, the site was sold as part of a lot which also included the Newark Theatre, and there is reference to the 'Newark Club' within the Robin Hood Inn Yard. By the 1870s, the site had been much expanded, and now included stables and extensive outbuildings. Late 19th century County Series maps show the site behind the buildings now known as the Robin Hood Hotel as comprising a brewery and two malthouses.

During the early 20th century, a distinct Edwardian phase can be understood following the removal of various 19th century additions and the creation of a new two-storey 11 bay wing that included extensive internal remodelling.

The Hotel was expanded further during the post-war period, with further extensions. The external masonry was also painted during this period. The Hotel closed in 1999 and has significantly deteriorated since then. The precise phasing and evolution and use of the building has been a matter of debate in the past, however the broader age, history and social interest of the building continues to justify the significance.

It is clear that there were extensive rear additions and service elements from the 19th and 20th century although most of these elements were removed during the recent Potterdyke redevelopment.

The building group is in parlous condition. Since closing in the late 1990s, the Robin Hood has suffered from neglect and lack of usage. Slipped tiles and damaged windows have been left unrepaired, with dilapidation increasing through internal rot, pigeon infestation, vandalism and in more recent years, severe water ingress from the two lantern lights at the rear. The consequence of the water ingress has rendered the two internal staircases unsafe.

Lombard Street forms the northern boundary of the site with Beaumond Cross and its associated traffic junction lying to the east, beyond which is Carter Gate. There are a number of other listed buildings nearby on Lombard Street.

Members will be aware that this site is linked to the wider redevelopment of the Town Centre. With the exception of this part of the site, the Potterdyke redevelopment scheme as it is widely referred to, comprises the Doctors Surgery at Lombard Street, the PCT building, ASDA supermarket, various retail units, the new bus station, and an as yet undeveloped residential element.

Relevant Planning History

Notwithstanding that the site is subject to a complex planning history, the most relevant to the current determination noting that it forms the extant position is as follows:

18/01020/FULM and 18/01021/LBC - Partial demolition of the former Robin Hood Hotel with retention of the façade, eastern gable and parts of the roof and internal fabric and integration with a new 66 No. bedroom Travelodge Hotel (Class C1) along with 3 No. units for flexible retail (Class A1), financial and professional services (Class A2), café/restaurant (Class A3) and leisure (Class D2) uses.

These applications were presented to Planning Committee on July 24th 2018 with an Officer recommendation to approve subject to conditions and an associated legal agreement to secure overnight parking arrangements. The decisions were issued on June 14th 2019 (the intervening time owing to the sealing of the legal agreement). Since this time, there has been associated discharge of condition requests and a non-material amendment to the full application which essentially has approved the changes sought through this current application (noting that the non-material amendment process does not exist for listed building consents). The works commenced on site on Monday 23rd September under the extant permissions.

The Proposal

This application has been submitted as a matter of procedure to regularise the ability to implement a listed building consent. In simple terms planning permission has albready been granted for the works currently taking place. This includes a 'Non Material Amendment' NMA to substitute the originally approved plans with ones now being implemnented on site. Such changes relate to amendments to the façade of Retail Unit 3 (to inset the front elevation, making floorspace smaller) and changes to the internal layout to take account of details agreed through discharge of conditions applications relating to the extent of historic fabric which can be retained. The external appearance of the upper floors, relating to the hotel and other commercial units are to remain largely as approved.

No ability exists in law to apply an NMA to a listed building consent. Consequently a number of conditions now need to be formally amended via this s19 process (when conditions are changed on a planning application Members would recognise this as a s73 change) to reflect what has been formally approved.

For the avoidance of doubt the application has been submitted on the basis of the following plans and documents:

- Covering letter dated 22nd August 2019;
- Proposed Site Layout Plan COM 474 1012 Rev A;
- Proposed Ground Floor GA Plan COM 474 1000 Rev H;
- Proposed First Floor GA Plan COM 474 1001 Rev G;
- Proposed Second Floor GA Plan COM 474 1002 Rev G;
- Proposed Third Floor GA Plan COM 474 1003 Rev G;
- Proposed Roof Plan COM 474 1004 Rev B;
- Proposed N & S Elevations COM 474 2002 Rev C;
- Proposed W and Inner Elev. COM 474 2003 Rev B;
- Historic Fabric to be retained COM 474 1005 Rev D;
- Proposed FRHH GA Elevation COM_474_2004 Rev D.

<u>Departure/Public Advertisement Procedure</u>

Occupiers of 172 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.

The consultation period for the application does not expire until 17th October 2019. Any comments received between agenda print and the meeting will be brought to Members with the schedule of communication presented to Members.

Planning Policy Framework

The Development Plan

Section 38(6) of the Planning and Compulsory purchase Act 2004 1990 does not apply to decisions on applications for Listed Building Consents, since in such cases there is no statutory requirement to have regard to the provisions of the Development Plan. LBC applications should be determined in accordance with the law (see, in particular, s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the relevant policies in the NPPF (in particular paragraphs 126-141). The objectives of the Development Plan and its policies may, though, be a material consideration in those decisions.

S.16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the LPA may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions. S.16(2) states that in considering whether to grant listed building consent for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72(1) states that in the exercise, with respect to any buildings or other land in a Conservation Area, of any of the provisions mentioned in subsection (2) (the planning acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consultations

Newark Town Council - No comments received to date.

Historic England – No comments received to date.

NSDC Conservation — Verbal comments given. Conservation has confirmed that the revised retention plan has been extensively scrutinised in conjunction with Historic England, and that the revised plans are fully justified.

NSDC Archeological Advisor – No comments received to date.

Millgate Conservation Society – No comments received to date.

Nottinghamshire Building Preservation Trust – No comments received to date.

Newark Civic Trust - No comments received to date.

Georgian Group - No comments received to date.

Millgate Conservation Society – No comments received to date.

Victorian Society – No comments received to date.

Ancient Monuments Society – No comments received to date.

Council for British Archaeology – No comments received to date.

Society for the Protection of Ancient Buildings – No comments received to date.

20th **Century Society** - No comments received to date.

No letters of representation have been received at the time of agenda print.

Comments of the Business Manager

Section 19 of the Act allows the LPA to consider the variation of conditions originally imposed on a listed building consent without re-opening the entire question of whether consent should have been granted (much like Section 73 of the Act applying to planning decisions which Members will be more familiar). As with the Section 73 process (on planning permissions), the Section 19 decision notice should replicate the relevant conditions from the original listed building consent and, where these have been discharged, should be reworded to require compliance with the approved plans. The changes sought have already been accepted through discharge of condition application and a non-material amendment application to the full application but the Section 19 application is necessary to regularize the proposed works from a listed building consent perspective.

The covering letter submitted with the application outlines in detail what the proposed changes are and the rationale behind them. For the avoidance of doubt the Council has already approved what is proposed, with no objections from Historic England, via the planning permission process.

The detail is worthy of direct repetition here for completeness:

- Relocation of electrical substation to be situated next to the Plant Room efficiency of services (elevation facing Lombard Street is unaffected).
- Addition of internal bins stores for the retail units.
- Retail 3 shopfront (south elevation) to be recessed back in order to avoid new foundations impacting the existing concrete remedial ground works previously carried for ASDA car park.
- Amendment of main east staircase to include direction stair base to face towards the main exit on ground floor level, in order to comply with fire regulations due potential high number of building visitors.
- Existing building ground floor the general arrangement is as before however it does include the removal of all existing walls, including the chimney breasts.
- Existing building first floor the internal walls are to be removed as stated above for the ground floor level. The arrangement of the bedrooms and linen storeroom has been amended in order to comply with minimum travel distances for fire regulations.
- Lower flat roof, new roof access hatch has been added for maintenance access for the retail units. Window to east gable at second floor level has been made into a door for maintenance access.
- Upper floors (new build) additional walls have been included within the corridors for compartmentalisation to comply with fire regulations.
- Upper floors (new build) internal wall positons have been amended to adhere to Travelodge room requirements.

The changes have been subjected to ongoing discussions with Historic England and internal Conservation expertise as part of the discharge of condition process which have already been agreed to allow works to commence. In respect to the removal of existing walls not previously envisaged this has been evidenced as necessary through updated structural reports and surveys since the original consent was approved.

The information submitted by the applicant to discharge the condition essentially outlines that the known position has changed since the production of the plan referred to in the condition - 'Historic Fabric to be retained' in plan ref. J1565 (08) 113 Rev. B'. The key positions of discussion are outlined below:

- 1) Roof Level It is now known (as accepted by the advice of Historic England in their letter dated 26th July 2019 on the original file) that the roof timbers are in their majority modern fabric. It is therefore the LPA's submission that these would not fall within the remit of the condition insofar as they do not form historic fabric to which this condition refers.
- Building C (first floor) Again it is accepted that these walls are modern (as agreed by Historic England in their letter dated 26^{th} July 2019 on the original file) and therefore in the same respect to the above are not subject to the requirements of the condition.
- 3) Building B (first and second floor walls and beams) As part of the submitted information the application has demonstrated that the steel is delaminating and moreover that there are significant practical and safety issues which would prevent further investigation and ultimately retention. Although this was originally queried by Historic England, in their latest correspondence by email dated 12th September 2019 (on the original file), they have confirmed that the

justification regarding safety concerns is warranted and therefore their earlier objections have been removed. It is clear to the LPA that the ability to carry out further works would be a significant safety risk. As a reasonable authority it must be concluded that retention is not appropriate in this instance.

- 4) Ground floor (all buildings) The submitted details show that the 'nibs' of the walls at ground floor are no longer capable of retention due to structural instability. Again this has been accepted by Historic England and internal Conservation Officers.
- 5) Basements These are to be retained as originally envisaged and do not require further discussion as part of the discharge of condition request.
- 6) Gable End of Building A The applicant has demonstrated that there is a requirement to move the building line of the gable end by approximately 140mm in the southwest corner, 60mm centrally (in the line of the chimney breast) and 30mm in the opposite corner. The alternative would be pile into the basements which would affect their retention. This is considered to be an acceptable solution.

The changes have been subject to lengthy discussions as referenced by the comments of internal Conservation colleagues listed in full above. Ultimately the revisions in comparison to the approved scheme are considered reasonably necessary and appropriate given the knowledge now afforded by the updated survey works.

Conclusion

The site has an extant consent for works to the listed building to allow the conversion to a Travelodge hotel with retail units and associated ancillary facilities. The current application regularises the position, fully reflective of the already negotiated position with Historic England.

Section 19 of the Act (again similarly to Section 73 which Members will be more familiar) allows the LPA to amend or vary the wording of conditions where appropriate. In respect to the time condition, this is no longer necessary given that works have commenced on site. Other conditions (notably the original condition no. 3, now condition no. 2 has been re-worded to reflect discussions undertaken through a discharge of condition process. Changes made are reflected through strikethrough text for removal and <u>underlined</u> text for replacement / alternative wording.

RECOMMENDATION

That delegated authority is given to Officers to issue the decision subject to the conditions and reasons below following the expiry of the consultation period provided that no new material considerations are brought to light.

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

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

- Proposed Site Layout J1565 (08) 100 Rev. A
- Proposed Ground Floor Plan J1565 (08) 105 Rev. A
- Proposed Intermediate Floor Plan J1565 (08) 106 Rev. B
- Proposed First Floor Plan J1565 (08) 107
- Proposed Second Floor Plan J1565 (08) 108
- Proposed Roof Floor Plan J1565 (08) 109
- Proposed Elevations and Site Sections Sheet 1 J1565 (08) 110 Rev. B
- Proposed Elevations and Site Sections Sheet 2 J1565 (08) 111 Rev. B
- Proposed Typical Sections J1565 (08) 112
 - Proposed Site Layout Plan COM 474 1012 Rev A
 - Proposed Ground Floor GA Plan COM 474 1000 Rev H
- Proposed First Floor GA Plan COM 474 1001 Rev G
- Proposed Second Floor GA Plan COM 474 1002 Rev G
- Proposed Third Floor GA Plan COM 474 1003 Rev G
- Proposed Roof Plan COM 474 1004 Rev B
- Proposed N & S Elevations COM 474 2002 Rev C
- Proposed W and Inner Elev. COM 474 2003 Rev B
- Proposed FRHH GA Elevation COM 474 2004 Rev D

Reason: So as to define this permission.

03

02

Prior to commencement of development an updated 'Historic Fabric to be retained' plan and associated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England. The updated 'Historic Fabric to be retained' plan shall retain at least the areas shown as 'Historic Fabric to be retained' in plan ref. J1565 (08) 113 Rev. B. The details shall include:

If during development, the areas for retention shown on plan reference Historic Fabric to be retained' COM 474 1005 Rev D are no longer capable of retention, then an updated schedule of works including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England. The details shall include:

the areas of masonry to be demolished;

a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction;

the arrangements for temporary secure storage of salvage materials; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement,

re-use or disposal; and a detailed methodology for the repair and renovation of the building fabric to be retained. Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic timber beams, joists and rafters. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the District Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. The agreed measures shall be carried out in full.

Reason: To ensure that the maximum level of historic fabric to the Listed Buildings is retained as envisaged through the application submission and to ensure that those areas shown as 'Historic Fabric to be retained' in plan ref. J1565 (08) 113 Rev. B COM 474 1005 Rev D are retained in any event.

04

03

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' - J1565 (08) 113 Rev. B-COM 474 1005 Rev D) details and samples including external finish of the materials identified below shall submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Facing materials Bricks Roofing tiles Cladding Render

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

05

04

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B-COM 474 1005 Rev D) details in respect of the features identified below, including the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.

External windows including roof windows and the feature glazing to the hotel entrance, doors and their immediate surroundings, including details of glazing and glazing bars;

Full technical drawings for all new shop fronts, along with further details on the parapet along Lombard Street;
Material finish of all external windows and doors;
Verges and eaves;
Rainwater goods;
Coping;
Extractor vents;
Flues;
Meter boxes;
Airbricks;
Soil and vent pipes.
Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.
06
<u>05</u>

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' - J1565 (08) 113 Rev. B-COM 474 1005 Rev D) a brick and render sample panel showing the brick bond, mortar specification, pointing technique, render specification, render finish and any architectural decoration shall be provided on site for inspection and subsequently agreed through written approval by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

06

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' - J1565 (08) 113 Rev. B-COM 474 1005 Rev D) a programme of historic building recording in accordance with Historic England Level 4 shall be submitted to and approved by the District Planning Authority. The programme shall include details of where the completed report will be deposited. The report shall be completed in accordance

with the agreed methodology and submitted to the agreed parties within 3 months of works commencing.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building to be demolished.

98

<u>07</u>

The developer shall give the local planning authority 14 days notice prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' - J1565 (08) 113 Rev. B) of the start of During the works, and access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measure drawings or taking photographs. Access shall be afforded during works and upon completion.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the areas of building to be demolished.

09

<u>80</u>

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' —J1565 (08) 113 Rev. B COM 474 1005 Rev D) a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows the interim treatment of the site prior to the redevelopment taking place. This shall include full details of any boundary treatments (height, design, location) and/or treatments of the ground area to include full details of the hard/soft landscaping. The scheme should also include timescales for the redevelopment of the site. Once approved the scheme shall be implemented on site as agreed.

Reason: In recognition of the site's location within the designated conservation area.

010

<u>09</u>

Prior to the installation of any external plant including mechanical extract or refrigeration units, a scheme detailing the precise specification in relation to noise output and any proposed means of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented prior to the plant or equipment being brought into use.

Reason: In the interests of protecting surrounding amenity.

011

010

Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be submitted to and approved in writing by the local planning authority. It is envisaged that this would involve monitoring of all groundworks, including the grubbing out of any existing foundations, with the ability to stop and fully record archaeological features. The development shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

Note to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

03

This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by environmental health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

04

You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations for any advertisements requiring express consent that you may wish to display on these premises.

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Growth and Regeneration

Committee Plan - 19/01575/S19LBC

