

Application No:	18/00436/FUL	
Proposal:	Change of use from A2 former Citizens Advice Bureau to B1 office accommodation	
Location:	Keepers Cottage, Great North Road, Newark, NG24 1BY	
Applicant:	Newark and Sherwood District Council – Mr D Best	
Registered:	02 March 2018	Target Date: 27 April 2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the building is owned by the District Council who is also the applicant.

The Site

The site comprises an attractive, unlisted, red brick, two storey building with a single storey modern lean-to extension on its southern (side) elevation. The building, known as Keepers Cottage, is set back from Great North Road, with hard surfacing to the front and side. To the rear of the building is a small grassed area. The site is bound from Riverside car park to the south by a dwarf red brick wall and green painted railings and from the railway line to the north by vegetation and fencing. The building is currently vacant but was last used as the Citizens Advice Bureau and prior to that was the Unique Coffee Bar which operated as a youth community centre.

The site is located within the Newark Conservation Area and outside of the defined Newark Town Centre. The site lies within Flood Zones 2 & 3 according to the Environment Agency Maps which means it is at medium and high risk of flooding and is within an area prone to surface water run-off.

Relevant Planning History

08/00194/FUL – Addition of window to (Unique Coffee Bar) provide natural light to education room. Approved 02/04/2008.

98/51154/FUL – Conversion and extension to form community building. Approved 28/04/1998.

01830601 – Change of use to offices. Approved 1983.

The Proposal

Full planning permission is sought for the change of use of the building to offices; from A2 Use Class (financial and professional services) to Use Class B1 offices.

No physical changes to the building (externally) or to the site are proposed.

The site would be occupied by a building services contractor and used as office accommodation only. The proposed hours of operation of the site are 0800 to 1700 Monday to Friday.

The application is accompanied by a Site Location Plan (unreferenced but received 28/02/2018), a Planning Statement and Flood Risk Assessment.

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 giving an overall expiry date of 5 April 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 - Development with Settlement Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM11 – Retail and Town Centre Uses

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Amended Publication Core Strategy

Consultations

Newark Town Council – Comments will follow the printing of the agenda.

NSDC, Conservation – ‘Keeper’s Cottage is located within Newark Conservation Area (CA). The property has architectural and historic interest which is considered to contribute positively to the character and appearance of Newark CA.

We provided pre-application advice and I can confirm that the submitted scheme reflects those discussions.

Legal and Policy Considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Section 66 of the Act requires the LPA to pay special regard to the desirability of preserving the setting of listed buildings. In this context, case-law has established that 'preservation' means 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 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Significance of Heritage Asset

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

Keeper's Cottage is situated in the old cattle market, adjacent to the railway crossing. The old cattle market is now a car park. The embankment walling enclosing the car park and the causeway arches to the roadway are Grade II listed. The list entry advises: "Causeway arches and embankment walling with gates. 1770 with mid C19 alterations. Designed by John Smeaton. Red brick with ashlar dressings. Walling runs for 80metres along the south-west side of the Great North Road, with buttresses at regular intervals. To the south-east a 30 metre section of wall

slightly curved, with ashlar coping. Then a mid C19 gateway, inserted as an entrance to the cattle market, with square brick piers with blue brick and ashlar decoration, and a pair of iron gates. Beyond to the north-west 40 metres of walling with 9 segmental brick arches (2 not visible), stretching under the road to the north-east, with buttresses between. The corresponding north wall of this causeway and embankment walling was demolished when the road was widened in the C19. Part of a causeway carrying the Great North Road across the flood plain of the Trent.”

In 1839, the older cattle market was moved from Beastmarket Hill to the castle grounds, but then again in 1886 was moved across the river to the proposal site. Keeper’s Cottage was built at this time and can be seen as part of an extensive linear range (see historic map extracts attached). The building is red brick with tile roof, chimneys and stone dressings surrounds to sash windows. The sash windows facing the road appear to be historic, whereas the windows facing the car park are modern replicas and the north elevation contains modern joinery. There is a late 20th century linear rear extension and a glazed addition on the south side of the building. The public toilet building to the southwest forms part of the same grouping, and the car port columns appear to be salvaged from the older covered pens.

Importantly, the building forms part of an important group of historic buildings at the entrance to the CA, giving important first impressions of the town on approach to the Castle (Keeper’s Cottage forms part of a visual group with the embankment walling surrounding the car park (Grade II listed), the Midland Hotel, Castle Station (Grade II listed) and the Station Manager’s House (also Grade II).

Until recently, the building was used as a Citizens Advice Bureau, and prior to that a community building.

Assessment of Proposal

The proposal seeks approval for change of use to office.

Conservation welcomes the retention and re-use of this building. No external changes are proposed and therefore the change of use will cause no material harm to the character and appearance of the CA or setting of nearby listed buildings.

The external historic fabric and joinery (where it survives) is significant in terms of the positive contribution made by the building to the CA, and therefore any external changes needed as a result of renovations and/or Building Regulations should be properly considered. I have suggested an appropriate informative note below.

Summary of Opinion/Recommendation

The change of use is considered to cause no harm to the character and appearance of the Newark Conservation Area or setting of any other heritage assets. The proposal, if approved, will likely help keep the heritage asset in active use which is beneficial in this case. The proposal therefore accords with the objective of preservation required under sections 66 and 72 of the Planning (LB&CA) Act 1990. The proposal is also considered to comply with heritage advice contained within CP14 and DM9 of the Council’s LDF DPDs and section 12 of the NPPF.

If approved, the following informative note might be added:

This permission relates solely to the change of use of the premises and does not permit any building or other operations. The applicant is advised that any renovation works which result in external works that subsequently require approval under the Building Regulations must also be approved in writing by the District Planning Authority in order that any planning implications arising from those amendments may be properly considered.'

Cadent Gas Ltd – due to the proximity of operational gas apparatus with the application boundary site request that a note to applicant be imposed which is set out in full as requested as note to applicant no. 04.

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

Comments of the Business Manager

Principle of Development

The site lies within Newark, the Sub Regional Centre as identified in the settlement hierarchy. Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) of the ADMDPD supports development proposals, including employment, within, amongst other locations the Sub-Regional Centre subject to an assessment against other relevant development plan policies.

As the last use of the site was as the Citizens Advice Bureau, a community facility, the proposal warrants assessment against Spatial Policy 8 (Protecting & Promoting Leisure & Community Facilities) which seeks to protect against the loss of community and leisure facilities unless it can be clearly demonstrated that:

- Continued use as a community facility or service is no longer feasible having regard to appropriate marketing, the demand for the use of the site or premises, its useability and the identification of a potential future occupier; and
- That sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better as the facility being lost; and
- There is sufficient provision of such facilities in the area.

This is broadly reflective of Paragraph 70 of the NPPF which states that decisions should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs” albeit the emerging Policy in the Plan Review (which is at an advanced stage) seeks to further align with the NPPF. Emerging Spatial Policy 8 is similar in nature to that currently adopted, however where currently compliance is required with each individual element of the policy, the revised wording seeks to ensure that development will be considered acceptable where it demonstrates compliance with at least one element. This is in order to make the Policy compliant with the NPPF, which superseded the original SP8. I consider that significant weight can be attached to Emerging Policy SP8 in decision making given that there are no unresolved objections to this policy and given there has been an Examination in Public.

The CAB has relocated to Castle House approximately 150m to the north east following the opening of the new District Council offices in September 2017 such that there is sufficient alternative provision of such a service which is just as accessible (and benefits from being close to other linked services) and is of equal quality. It is also noted that the site is located within an

accessible and sustainable location, and would make an efficient use of a previously developed site. I am therefore content that the proposal complies with the second two elements of the policy and whilst the first element has not been demonstrated, I do not consider it to be fatal having regard to the emerging policy and the NPPF which carry significant weight in my view.

The existing A2 use (financial & professional services) tends to be offices visited by members of the public and whilst a B1 office use falls within a different use class, I do not consider that the proposed office use would be harmful and in my view would be preferable to many of the permitted fallback positions of reverting to an open retail (A1) restaurant/cafe (A3), assembly and leisure (D2) or residential (C3) use without the need for planning permission given its out of centre location from the retail town centre and potential impacts from these alternative uses. Overall I consider that the proposal accords with the relevant Development Plan policies in this regard.

Heritage Impacts

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, case-law has established that 'preservation' means 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.

As no physical alterations are proposed to the building, I do not consider there would be any harmful impacts to the character and appearance of the Conservation Area. I agree with the Conservation Officer that the building has architectural and historic interest which is considered to contribute positively to the character and appearance of Newark Conservation Area and should be regarded as a non-designated heritage asset and its retention is therefore welcomed. In any event the proposal accords with CP14 and DM9 of the Development Plan.

Amenity Impacts

Policy DM5 of the DPD states 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 NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

There are no buildings immediately adjacent to the site that would be impacted by this development. The proposed office use is not considered to result in any greater impact on amenity than that which existed from the previous use as a citizen's advice bureau and the office hours during the working week are acceptable. It is not considered necessary to control this by condition as longer hours would not be harmful given the site's location away from residential neighbours.

Highway Impacts

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

There is an area of hardstanding that is available for parking to the front and side of the building accessed from an existing access from Great North Road. In any event there are public pay and display car parks located very close to the site. The site is also within proximity to public transport, such as Castle Gate train station, allowing for easy access to Newark and surrounding settlements. The proposal is therefore not considered to result in any highway safety concerns.

Flooding Impacts

The site lies within Flood Zones 2 and 3 according to the Environment Agency maps. The Sequential Test and Exception Tests as set out in the NPPF are not necessary for change of use applications. Both the existing and proposed uses are classes as 'less vulnerable' in flood risk terms according to the NPPF and its technical guidance. No external alterations are proposed to the building and therefore the development would not bring about any change in terms of flood risk and consequently the proposal is acceptable on these grounds.

Conclusion

The principle of the change of use as an office is acceptable and would not result in an unacceptable loss of a community facility, would preserve the character and appearance of the conservation area, would have no detrimental impact on neighbouring amenity, highway safety nor flood risk. Indeed the proposed use would bring a vacant building in Newark back into use which is the best way of sustaining the non-designated heritage asset. The proposal accords with the Development Plan and it is recommended for approval.

RECOMMENDATION

Given that the consultation period does not expire until 5 April 2018, after the Committee meeting, is it recommended that provided no additional consultation responses or representations are received that raise any new material matters not already considered within these two days, 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.

Notes to Applicant

01

This permission relates solely to the change of use of the premises and does not permit any building or other operations. The applicant is advised that any renovation works which result in external works that subsequently require approval under the Building Regulations must also be approved in writing by the District Planning Authority in order that any planning implications arising from those amendments may be properly considered.

02

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

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 given that there is no net additional increase of floorspace as a result of the development.

04

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

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 & Regeneration

Committee Plan - 18/00436/FUL

