

PLANNING & AFFORDABLE HOUSING STATEMENT

Former Lilley & Stone School, London Road, Newark

Bildurn (Properties) Limited

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1. Introduction

- 1.1. Broadgrove Planning and Development Limited have been instructed by Bildurn (Properties) Limited ('the applicant') to prepare a hybrid planning application relating to the former Lilley and Stone School, London Road, Newark, NG24 1TT.
- 1.2. Full planning permission is sought for the demolition of existing buildings, conversion of 3 no. retained heritage buildings to provide 32 apartments and erection of 35 new dwellings including access, parking and landscaping within the northern portion of the site and outline permission is sought in the southern part of the site for the erection of up to 67 new dwellings (all matters reserved except access).
- 1.3. Given the proposals involve the works to facilitate the conversion of listed building to residential use a separate application seeking listed building consent will be submitted. The curtilage listed former caretakers house will also be retained and refurbished.
- 1.4. This statement provides: details about the site and its surroundings in Section 2; planning history in Section 3; the development proposals in Section 4; the relevant planning policy context and material considerations in Section 5; an assessment of planning issues in Section 6; and conclusions in Section 7.
- 1.5. This statement, alongside the supporting technical documentation and plans, demonstrates that the proposed development fully complies with the National Planning Policy Framework (NPPF, December 2023) and the adopted development plan for Newark & Sherwood District Council and that there are no material considerations that would warrant the planning application being refused.
- 1.6. Prior to the submission of this application, a formal pre-application enquiry was submitted to the Council ('the Council') to identify the key planning considerations moving forward (LPA Ref: PREAPM/00260/23 – response attached at Appendix 1). The formal feedback confirmed the principle of development is acceptable subject to full assessment against Development Plan. It was noted that the site is subject to a number of constraints which will be material considerations during the determination of the planning application. The feedback received has informed design changes within the submitted scheme. The Council's pre-application response and consultee comments are addressed within this statement and the technical documents which form part of the submission.
- 1.7. This Planning Statement should be read in conjunction with the following submitted plans and supporting documents which detail the proposed development:

Planning Forms and Certificate;

Planning Drawing Pack:

- BLR-FEA-S1-XX-DP-A-1100 P5 - Site Location Plan;
- BLR-FEA-S1-XX-DP-A-1102 P5 - Site Plan - Existing Trees (Survey);
- BLR-FEA-B1-XX-DP-A-1103 P7 - Site Plan Existing - Tree Removal Plan;
- BLR-FEA-B1-XX-DP-A-1104 P3 - Site Plan Existing - Topographical Survey;
- BLR-FEA-S1-XX-DP-A-1105 P4 - Site Plan Existing;
- BLR-FEA-S1-XX-DP-A-1106 P4 - Site Plan Existing - Demolition Extent;
- BLR-FEA-B1-XX-DP-A-1200 P18 - Illustrative Masterplan;
- BLR-FEA-S1-XX-DP-A-1201 P5 - Parameters Plan;
- BLR-FEA-S1-XX-DP-A-1210 P8 - Proposed Ground Floor - Detailed Housing;
- BLR-FEA-S1-XX-DP-A-1211 P6 - Proposed First Floor - Detailed Housing;
- BLR-FEA-S1-XX-DP-A-1212 P6 - Proposed Second Floor Plan - Detailed Housing;
- BLR-FEA-S1-XX-DP-A-1213 P6 - Proposed Roof Plan - Detailed Housing;
- BLR-FEA-B1-XX-DP-A-1214 P4 - Proposed Boundary Treatment Plan;
- BLR-FEA-S1-XX-DE-A-3411 P4 - Detailed Street Elevations Proposed A-C;
- BLR-FEA-S1-XX-DE-A-3412 P4 - Detailed Street Elevations Proposed D-F;
- BLR-FEA-S1-XX-DE-A-3413 P4 - Detailed Street Elevations Proposed G-H;
- BLR-FEA-B1-00-DP-A-2011 P4 - GA Ground Floor Plan Existing - Block 1;
- BLR-FEA-B1-00-DP-A-2051 P5 - GA Ground Floor Plans Demolition - Block 1;
- BLR-FEA-B1-00-DP-A-2211 P5 - GA Ground Floor Plan Proposed - Block 1;
- BLR-FEA-B1-01-DP-A-2012 P4 - GA First Floor Plan Existing - Block 1;
- BLR-FEA-B1-01-DP-A-2052 P5 - GA First Floor Plans Demolition - Block 1;
- BLR-FEA-B1-01-DP-A-2212 P6 - GA First Floor Plan Proposed - Block 1;
- BLR-FEA-B1-02-DP-A-2013 P4 - GA Second Floor Plan Existing - Block 1;

- BLR-FEA-B1-02-DP-A-2053 P5 - GA Second Floor Plans Demolition - Block 1;
- BLR-FEA-B1-02-DP-A-2213 P5 - GA Second Floor Plan Proposed - Block 1;
- BLR-FEA-B1-B1-DP-A-2010 P3 - GA Basement Floor Plan Existing - Block 1;
- BLR-FEA-B1-B1-DP-A-2050 P4 - GA Basement Floor Plans Demolition - Block 1;
- BLR-FEA-B1-B1-DP-A-2210 P4 - GA Basement Floor Plan Proposed - Block 1;
- BLR-FEA-B1-XX-DE-A-3510 P4 - GA North Elevation Existing - Block 1;
- BLR-FEA-B1-XX-DE-A-3511 P3 - GA West Elevation Existing - Block 1;
- BLR-FEA-B1-XX-DE-A-3512 P3 - GA South Elevation Existing - Block 1;
- BLR-FEA-B1-XX-DE-A-3513 P3 - GA East Elevation Existing - Block 1;
- BLR-FEA-B1-XX-DE-A-3710 P3 - GA North Elevation Proposed - Block 1;
- BLR-FEA-B1-XX-DE-A-3711 P3 - GA West Elevation Proposed - Block 1;
- BLR-FEA-B1-XX-DE-A-3712 P4 - GA South Elevation Proposed - Block 1;
- BLR-FEA-B1-XX-DE-A-3713 P3 - GA East Elevation Proposed - Block 1;
- BLR-FEA-B1-ZZ-DS-A-3110 P3 - GA Sections Existing - Block 1;
- BLR-FEA-B1-ZZ-DS-A-3151 P5 - GA Sections Demolition - Block 1;
- BLR-FEA-B1-ZZ-DS-A-3210 P5 - GA Sections Proposed - Block 1;
- BLR-FEA-B2-00-DP-A-2021 P4 - GA Ground Floor Plan Existing - Block 2;
- BLR-FEA-B2-00-DP-A-2061 P5 - GA Ground Floor Plan Demolition - Block 2;
- BLR-FEA-B2-00-DP-A-2221 P4 - GA Ground Floor Plan Proposed - Block 2;
- BLR-FEA-B2-01-DP-A-2022 P4 - GA First Floor Plan Existing - Block 2;
- BLR-FEA-B2-01-DP-A-2162 P5 - GA First Floor Plan Demolition - Block 2;
- BLR-FEA-B2-01-DP-A-2223 P5 - GA First Floor Plan Proposed - Block 2;
- BLR-FEA-B2-B1-DP-A-2020 P4 - GA Basement Floor Plan Existing - Block 2;
- BLR-FEA-B2-B1-DP-A-2060 P5 - GA Basement Floor Plan Demolition - Block 2;
- BLR-FEA-B2-B1-DP-A-2220 P4 – GA Basement Floor Plan Proposed - Block 2;

- BLR-FEA-B2-MZ-DP-A-2222 P5 - GA Mezzanine Floor Plan Proposed;
- BLR-FEA-B2-R1-DP-A-2023 P4 - GA Roof Plan Existing - Block 2;
- BLR-FEA-B2-R1-DP-A-2163 P5 - GA Roof Plan Demolition - Block 2;
- BLR-FEA-B2-R1-DP-A-2224 P4 - GA Roof Plan Proposed - Block 2;
- BLR-FEA-B2-XX-DS-A-3120 P4 - GA Sections Existing - Block 2;
- BLR-FEA-B2-XX-DS-A-3161 P5 - GA Sections Demolition - Block 2;
- BLR-FEA-B2-XX-DS-A-3220 P4 - GA Sections Proposed - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3520 P5 - GA North Elevation Existing - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3521 P5 -GA West Elevation Existing - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3522 P5 - GA South Elevation Existing - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3523 P5 - GA East Elevation Existing - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3720 P5 - GA North Elevation Proposed - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3721 P6 - GA West Elevation Proposed - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3722 P5 - GA South Elevation Proposed - Block 2;
- BLR-FEA-B2-ZZ-DE-A-3723 P5 - GA East Elevation Proposed - Block 2;
- BLR-FEA-B3-00-DP-A-2031 P4 - GA Ground Floor Plan Existing - Block 3;
- BLR-FEA-B3-00-DP-A-2071 P5 - GA Ground Floor Plan Demolition - Block 3;
- BLR-FEA-B3-00-DP-A-2231 P4 - GA Ground Floor Plan Proposed - Block 3;
- BLR-FEA-B3-01-DP-A-2032 P4 - GA First Floor Plan Existing - Block 3;
- BLR-FEA-B3-01-DP-A-2072 P6 - GA First Floor Plan Demolition - Block 3;
- BLR-FEA-B3-01-DP-A-2232 P4 - GA First Floor Plan Proposed - Block 3;
- BLR-FEA-B3-B1-DP-A-2030 P4 - Basement Floor Plan Existing - Block 3;
- BLR-FEA-B3-B1-DP-A-2070 P5 - GA Basement Floor Plan Demolition - Block 3;
- BLR-FEA-B3-B1-DP-A-2230 P3 - GA Basement Floor Plan Existing - Block 3;
- BLR-FEA-B3-R1-DP-A-2033 P4 - GA Roof Plan Existing - Block 3;

- BLR-FEA-B3-R1-DP-A-2073 P6 - GA Roof Plan Demolition - Block 3;
- BLR-FEA-B3-R1-DP-A-2233 P4 - GA Roof Plan Proposed - Block 3;
- BLR-FEA-B3-XX-DE-A-3530 P3 - GA North Elevation Existing - Block 3;
- BLR-FEA-B3-XX-DE-A-3531 P3 - GA East Elevation Existing - Block 3;
- BLR-FEA-B3-XX-DE-A-3532 P3 - GA South Elevation Existing - Block 3;
- BLR-FEA-B3-XX-DE-A-3534 P3 - GA West Elevation Existing - Block 3;
- BLR-FEA-B3-XX-DE-A-3730 P3 - GA North Elevation Proposed - Block 3;
- BLR-FEA-B3-XX-DE-A-3731 P3 - GA East Elevation Proposed - Block 3;
- BLR-FEA-B3-XX-DE-A-3732 P3 - GA South Elevation Proposed - Block 3;
- BLR-FEA-B3-XX-DE-A-3733 P3 - GA West Elevation Proposed - Block 3;
- BLR-FEA-B3-XX-DS-A-3130 P3 - GA Sections Existing Sheet 1 of 2 - Block 3;
- BLR-FEA-B3-XX-DS-A-3131 P3 - GA Sections Existing Sheet 2 of 2 - Block 3;
- BLR-FEA-B3-XX-DS-A-3170 P4 - GA Sections Demolition Sheet 1 of 2 - Block 3;
- BLR-FEA-B3-XX-DS-A-3171 P4 - GA Sections Proposed Sheet 2 of 2 - Block 3;
- BLR-FEA-B3-XX-DS-A-3230 P4 - GA Sections Proposed - Block 3;
- BLR-FEA-B3-XX-DS-A-3231 P3 - GA Sections Proposed Sheet 2 of 2 - Block 3;
- BLR-FEA-UT-XX-DE-A-3811 P3 - House Type A GA Elevations;
- BLR-FEA-UT-XX-DE-A-3812 P3 - House Type A2 GA Elevations;
- BLR-FEA-UT-XX-DE-A-3813 P3 - House Type A2 with Bay GA Elevations;
- BLR-FEA-UT-XX-DE-A-3815 P3 - House Type C GA Elevations;
- BLR-FEA-UT-XX-DE-A-3816 P3 - House Type C with Bay GA Elevations;
- BLR-FEA-UT-XX-DE-A-3817 P3 - House Type D GA Elevations;
- BLR-FEA-UT-XX-DE-A-3818 P1 - House Type D GA Elevations;
- BLR-FEA-UT-XX-DE-A-3819 P1 - House Type D GA Elevations;
- BLR-FEA-UT-XX-DE-A-3820 P1 - House Type D GA Elevations;

- BLR-FEA-UT-ZZ-DP-A-2311 P2 - House Type A GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2312 P2 - House Type A2 GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2313 P2 - House Type A2 with Bay GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2315 P3 - House Type C GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2316 P2 - House Type C with Bay GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2317 P2 - House Type D GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2319 P1 - House Type D GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2320 P1 - House Type D GA Plans;
- BLR-FEA-UT-ZZ-DP-A-2321 P1 - House Type D GA Plans.

Design & Access Statement;

Heritage Assessment;

Archaeological Desk-based Assessment;

Transport Assessment;

Transport Note;

Framework Travel Plan;

Energy Efficiency & Sustainability Statement;

Flood Risk Assessment & Outline Drainage Strategy;

Arboricultural Impact Assessment;

Preliminary Ecological Appraisal Report;

- Biodiversity Metric.

Bat Survey Report;

Air Quality Assessment;

Viability Assessment;

Broadband Connectivity Statement;

Statement of Community Involvement;

Condition Survey;

Phase 1 Site Investigation.

- 1.8. All the information necessary to determine the application should be found within these supporting documents.

2. Site and Surrounding Area

- 2.1. The application site is located in Newark-on-Trent to the south of the 'Newark Urban Area'. The site is situated within south of London Road, NG24 1TW (79980, 53479). The site covers an area of 4.14 hectares and is located entirely within Newark and Sherwood District Council boundary. The site is bounded by London Road to the north, the rear gardens of properties fronting Southend Avenue and Lime Grove, Harewood Avenue to the south, and Newark Town Bowls Club and an Iceland supermarket to the northwest.
- 2.2. The site has a longstanding history as a school since its inception as the Lilley and Stone School in 1898. The Lilley and Stone School closed in 1997, becoming the Newark High School until 2008 and was later followed by the Newark Academy sixth form campus up until its closure in 2016. The site has been vacant since.
- 2.3. The northern portion of the site comprises buildings associated with the former Lilley and Stone School, while the southern portion of the site comprises the former playing fields with tennis courts and a centralised disused synthetic sports pitch.
- 2.4. Access to the site is gained off London Road via a single-width road to the east of the former school building which connects to Newark Tennis Club at the southwest of the site boundary.
- 2.5. The site is located on the boundary of the Newark Historic Core and the Newark Conservation Area. The Historic Core is centred around the marketplace north of the site. Architecturally, the area features medieval timber-framed and Georgian buildings with the Town Hall as a notable building of historic significance.
- 2.6. There is one designated heritage asset on site and another within proximity to the site. The Lilley and Stone School is located towards the north of the site and is Grade II listed since 1992. The Bowling Club House is located to the northwest of the site red line and is also Grade II Listed.
- 2.7. The importance of the Lilley and Stone school is centred around its historic and architectural significance. The school was built in 1898 as the School of Science and Art by Mallows and Grocock of Bedford. The building is constructed in a Queen Anne style with Art Nouveau detailing. Details of the list entry SK7998053479 are outlined below:

"SK7953SE 619-1/12/221

School. 1898, with late C20 alterations. Designed by C Mallows as the School of Science and Art. Brick with stone dressings and slate roof with 5 coped ridge stacks. Domestic

revival style. First floor band, angle pilasters, dentillated wooden eaves, open pedimented gables. 2 storeys; 3 bays. Double gabled front has a recessed centre with a 3-light glazing bar casement. each gable has a large round headed glazing bar window with wooden mullions and transoms, the central lights both altered. Moulded round arched hooded doorway with scrolled wrought iron overthrow, now with C20 glazing with stone mullioned overlights. On either side, a polygonal bay window with dentillated cornice and copper tent roof. Glazing bar windows with wooden mullions and transoms. (Buildings of England: N Pevsner, revised E Williamson: Nottinghamshire: London: 1979-: 191).”

- 2.8. There are mature trees lining the southern boundary of the site along Harewood Avenue. The western boundary of the site is heavily tree-lined and there are scatters of mature trees throughout the school buildings at the northern portion of the site. Trees located in the northern portion of the site are subject to the protection of the Newark Conservation Area.
- 2.9. From a search of the Environment Agency’s flood risk map, the site is located in an area of very low risk of flooding from rivers or the sea. This equates to a 1 in 1000 (0.1%) probability of flooding each year from fluvial sources.
- 2.10. The immediate surrounding area generally consists of residential land uses to the south, east and west of the site. There are recreational uses in close vicinity to the site, including the Newark Tennis Club, Newark Town Bowls Club, and Newark Public Bowling Green. There is a commercial unit occupied by a supermarket at the northwestern site boundary and a care home at the northeastern boundary. Newark’s Town Centre is located to the northwest of the site and comprises a mix of commercial, hospitality, retail, and other uses associated with a town centre.
- 2.11. The site represents an extremely sustainable location for development and is well supported by public transport routes. There are bus stops directly adjoining the northern site boundary at London Road that provide connections between Newark Town Centre, Hawtonville, Bingham, Balderton, Grantham, and Fernwood. Newark Northgate Railway Station is 15-minute walk away (c. 1.3km away) and provides national services to Lincoln, Edinburgh, London, York, Glasgow and Newark Castle railway station (c.1.1km away) provides services to Nottingham.

3. Planning History

- 3.1. A search of Newark and Sherwood District Council's planning application register reveals several applications which are relevant to the application site.
- 3.2. 94/51136/LBC – Convert existing coal store into girls toilet and fitting of new window. Decision: Approved. Decision date: 26/09/1994.
- 3.3. 96/51133/CAC – Demolish single storey flat roofed design and technology block. Decision: Secretary of State. Decision date: 05/09/1996.
- 3.4. 96/51134/FULR3 – Extensions to school buildings. Decision: Approved. Decision date: 28/10/1996.
- 3.5. 99/51158/FULR3 – Proposed sports hall with changing room block. Decision: No objection. Decision date: 14/04/1999.
- 3.6. 99/51159/FULR3 – Phased construction of two synthetic pitches and erection of a 3meter high ball fencing. Decision: Approved. Decision date: 01/12/1999.
- 3.7. 99/51160/FULR3 – Phased construction of two synthetic pitches and erection of a 3meter high ball fencing. Decision: Application withdrawn. Date: 01/12/1999.
- 3.8. 00/50507/FULR3 – Erection of eight 15m high floodlights at synthetic pitch. Decision: Application Withdrawn. Date: 24/03/2000.
- 3.9. 20/01391/FUL – Change of use from dwellinghouse (C3) to bed and breakfast (C1). Decision: Approved. Decision date: 18/11/2020.
- 3.10. The planning history demonstrates the site has had longstanding use as a school, with associated recreational sports facilities. There have been no planning applications associated with the site since 24/03/2000.
- 3.11. Application under reference 20/01391/FUL is associated with the Newark Town Bowls Club. The application includes details regarding the access road to the Bowls Club, which is situated within the boundary of the application site. The development proposals will need to consider the access arrangements for surrounding users to ensure it integrates well with the

4. The Proposals

4.1. Permission is sought for a part-outline, part detailed planning application for a total of up to 134 residential units including works to the listed buildings.

4.2. The description of development is as follows:

“Hybrid planning application seeking full permission for the demolition of existing buildings, conversion of 3 no. retained heritage buildings to provide 32 apartments, retention of one dwelling and erection of 35 new dwellings including access, parking and landscaping; and outline planning permission of the erection of up to 67 new dwellings (all matters reserved except access).”

Detailed

4.3. The detailed element incorporates the northern portion and is wholly within Newark Conservation Area. The detailed application comprises the conversion of three heritage buildings to provide 32 apartments and the erection of 35 residential houses with the following mix:

Apartments:

Building 1 – 2 x 1-bed 1-person units, 3 x 1-bed 2-person units & 1 x 2 bed 3-person;

Building 2 – 1 x 1-bed 1-person units & 9 x 1-bed 2-person units;

Building 3 – 10 x 1-bed 1-person units, 2 x 1-bed 2-person, 3 x 2 bed 3-person & 1 x 2 bed 4-person.

Houses:

House type A – 9no. 4-bed, 8-persons units (3 storey) – GIA 125.3sqm;

House type A2 – 7no. 4-bed, 7-persons units (2.5 storey) – GIA 120.8sqm;

House type A3 – 1no. 4-bed, 7-persons units (2.5 storey) – GIA 120.5sqm;

House type C – 6no. 3-bed, 5-persons units (2 storey) – GIA 99.3sqm;

House type D – 7no. 3-bed, 4-persons units (2 storey) – GIA 85.2sqm;

House type E – 5no. 2-bed, 3-persons units (bungalow) – GIA 115.1sqm.

- 4.4. It is also highlighted that the scheme will retain the former caretaker's house which is considered to be curtilage listed.
- 4.5. Vehicular access to the site is gained from London Road. The development proposals maintain the existing access arrangements to Newark Tennis Club and a new 22 space car park is provided for the club within the application site.
- 4.6. There is a high level of tree retention throughout the site with existing mature trees lining the southern and northern boundaries. New planting is also proposed through the site to create green boulevards, enhance the setting of the retained listed buildings and soften the landscape across the scheme.

Outline

- 4.7. The outline element incorporates the southern portion of the site wholly outside Newark Conservation Area. The outline application comprises the erection of 67 houses with the following mix:

House type B – 1no. 4-bed, 8-persons units (2 storey) – GIA 121.2sqm;

House type C – 13no. 3-bed, 5-persons units (2 storey) – GIA 99.3sqm;

House type D – 53no. 3-bed, 4-persons units (2 storey) – GIA 85.2sqm.

- 4.8. A new vehicular access is proposed from the north side of Harewood Avenue into the southern portion of the site. Traffic calming measures are included in the highways design to ensure the route does not become a 'cut-through' leading to London Road. Highways details are covered further in Section 6.

Consultation

- 4.9. This application has been brought forward through pre-application discussions with Newark & Sherwood District Council and extensive public consultation with local residents and other stakeholders. As set out within the Statement of Community Involvement feedback has been generally positive, with a widespread recognition that the renovation of the listed buildings on the site is desperately needed. Where concerns have been raised, the applicant has sought to address as part of current submission.

5. Planning Policy Framework

- 5.1. Paragraph 11 of the National Planning Policy Framework requires (in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990), that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Local Development Framework consists of the Newark and Sherwood Core Strategy DPD as amended (2019) and the Newark and Sherwood Allocations and Development Management DPD (2013). These documents together form the statutory development plan for NSDC. The Local Development Framework provides a long-term spatial vision, strategic priorities, and policies for future development in Newark and Sherwood over the next 15 to 20 years.
- 5.3. The vision seeks to secure an area which provides a high quality of life in thriving sustainable urban and rural communities. These communities are expected to feature good housing with a mix of different sizes, types and tenures which address local needs. The strategy gives regard to the quantity and location of new homes, employment provision, shops, services, transport, and other infrastructure provision to meet the needs of the District up to 2033 and develop a strong, sustainable economy that will provide diverse employment opportunities for local people.
- 5.4. The site is located within the Newark Area which has its own distinct spatial characteristics. To aid the achievement of the Vision and the Strategic Objectives the following Area-based objectives have been formed for Newark:

NA O1 - To manage growth in and around Newark Urban Area (Newark, Balderton and Fernwood) and ensure that housing and employment growth are developed alongside appropriate infrastructure and facilities.

NA O2 - To promote, protect and enhance the character and qualities of Newark Town Centre as a place for retail, business, administration, entertainment and tourism.

NA O3 - To promote local services in remote rural areas and secure public transport linkages to Newark Urban Area, Collingham and Sutton-on-Trent.

- 5.5. The Core Strategy's Spatial Policies are in place to deliver the vision of the plan.

Spatial Policy 2: Spatial Distribution of Growth – Newark Urban Area will be the main location for new housing and employment growth in the district. Sustainable communities will be secured through the provision of housing to meet local needs and support employment to provide local jobs.

Spatial Policy 6: Infrastructure for Growth – to ensure the delivery of appropriate infrastructure, including services and facilities that are essential for development to take place or mitigate the impacts of development, Planning Contributions will be sought via the Community Infrastructure Levy and Planning Obligations. This is outlined in Policy DM3 Developer Contributions and Planning Obligations and supported by a Developer Contributions & Planning Obligations Supplementary Planning Document.

Spatial Policy 7: Sustainable Transport – this focuses on promoting an improved and integrated transport network, with an emphasis on non-car modes for accessing services and facilities. It entails reducing the impact of roads and traffic, supporting public transport, enhancing rural accessibility, and improving the pedestrian environment. Development proposals should align with the Nottinghamshire Local Transport Plan, minimise travel needs, provide safe and accessible access for all, avoid harm to the environment, and address parking and traffic issues. Major developments should prioritize convenient access via walking, cycling, and high-quality public transport, in line with national planning policy and specific local policies.

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities – refers to the protection of community facilities. The loss of existing community facilities is not permitted unless clearly demonstrated that the continued use as a community facility or service is no longer feasible. Residential developments of 10 dwellings or more may require contribution towards improved community facilities.

5.6. The following Core Strategy policies are relevant to the proposals:

Core Policy 1: Affordable Housing Provision – for all housing proposals of 11 units or more, or those with a combined floorspace of 1000sqm the council will seek to secure 30% of households to qualify as affordable. Preferably, provisions will be sought on site, although in circumstances where this is not possible the district council will require a financial contribution of equivalent to that which has been secured on site contribution. Viability is assessed in accordance with Policy DM3 and the council will consider the

nature of the housing need, local housing market and the cost of developing the site; and the impact of this on the viability of any proposed scheme.

Core Policy 3: Housing Mix, Type and Density – considers the housing mix, type and density. Development densities should normally be no lower than an average of 30 dwellings per hectare net. The council seeks to secure new housing development which adequately addresses the housing need of the district, namely: family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less, housing for the elderly and disabled population.

Core Policy 9: Sustainable Design – expects new development to demonstrate a high standard of sustainable design. New developments should:

- Achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments;
- Through its design, pro-actively manage surface water including, where feasible, the use of Sustainable Drainage Systems;
- Demonstrate an effective and efficient use of land that, where appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character;
- Provide for development that proves to be resilient in the long-term. Taking into account the potential impacts of climate change and the varying needs of the community;
- Take account of the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promote safe living environments;

Core Policy 12: Biodiversity and Green Infrastructure – aims to protect and improve biodiversity and geological diversity in collaboration with relevant plans and strategies. They will require development proposals to consider ecological and geological preservation, encourage projects that enhance biodiversity and green infrastructure, and promote responsible management of important natural features. The Council also supports the creation of a Green Infrastructure Network connecting key routes and enhancing accessibility in suitable areas.

Core Policy 14: Historic Environment – considers the conservation and enhancement of character, appearance and setting of heritage assets and historic environment. Considering the designated heritage asset and the conservation area the site is situated in, great weight is given to the asset’s conservation.

NAP1 Newark Urban Area – The Council will work with its partners, developers and service providers to promote the Newark Urban Area as the main focus for residential, commercial and leisure activity within the district. This will include supporting the provision of 60% of the overall district housing growth which will contribute to meeting the level of identified need and protecting and enhancing the architectural, historic and archaeological character of Newark.

NAP3 Newark Urban Area Sports and Leisure Facilities – The Council will seek to improve sports and leisure facilities in Newark Urban Area. Such facilities should be accessible by a range of transport modes, including public transport and cycle routes, with good access both to the existing Newark Urban Area and the Strategic Sites.

5.7. The following Allocations and Development Management Policies are relevant to this planning application:

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy – The policy sets out that within urban area including the sub-regional centre of Newark, proposals will be supported for housing, employment, community, retail, cultural, leisure and tourism development appropriate to the size and location of the settlement will be supported.

Policy DM3: Developer Contributions and Planning Obligations – seeks to secure developer contributions and planning obligations to ensure the available of supporting infrastructure and subsequent delivery of planned growth outlined in the Core Strategy. Planning applications are expected to include appropriate infrastructure provision. Infrastructure will be provided through a combination of Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council.

Policy DM5: Design – the design of all developments will be assessed against the following criteria:

- Access – Provision for safe and inclusive access to the site, where possible, making use of Green Infrastructure and alternative modes of transport.

- Parking - Parking provision for vehicles and cycles should be based on the scale and specific location of the development.
- Amenity – 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. Proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
- Local Distinctiveness and Character – The rich distinctiveness and character of the District’s landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of the proposals for new development. Proposals are considered against the assessments contained in the Landscape Character Assessment SPD in accordance with Core Policy 13. Where local distinctiveness derives from the presence of heritage assets, proposals will also need to satisfy Policy DM9.
- Trees, Woodlands, Biodiversity and Green infrastructure - In accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhance.
- Crime and Disorder – consideration for the potential exacerbation of crime, disorder and antisocial behaviour should be considered in formulating development proposals. Appropriate mitigation through layout and design should be included in the development proposals.
- Ecology - ecological assessments should support proposal were they have potential to provide habitat for protected species. Development must avoid significant harm through design and mitigation; compensation is a last resort for unavoidable impacts.

Policy DM9: Protecting and Enhancing the Historic Environment – expects development proposals concerning heritage assets to secure their continued protection or enhancement and contribute to the vitality and viability of the wider area. Proposals within the curtilage of listed buildings must be compatible with the fabric and setting of the building.

Policy DM12: Presumption in Favour of Sustainable Development – The council will work to proactively with applicants to secure development that improves the economic, social and environmental conditions within the district. Planning applications that accord with

the policies in the Development Plan for Newark and Sherwood (including, where relevant, policies in Neighbourhood Development Plans) will be approved without delay. Where adverse impacts do not outweigh benefits consideration should be given to mitigation where harm would otherwise occur.

- 5.8. The northern portion of the site lies within the Newark Conservation Area and the Newark Historic Core. The Conservation Area was first designated in 1968 and a draft Appraisal exists for the area. The site is also recognised as the London Road Character Area.

Material Considerations

- 5.9. The following represent material considerations to be balanced in the judgment of the proposed development.

National Planning Policy Framework (December 2023)

- 5.10. At a national level, planning policy and guidance is contained in the National Planning Policy Framework (NPPF). The updated NPPF (December 2023), sets out the Government's vision for future growth. The NPPF must be considered in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 5.11. The NPPF acknowledges that planning policies and decisions should play an active role in guiding development towards sustainable development solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.12. Paragraph 8 states that there are three dimensions to sustainable development: economic, social and environmental and, as set out in paragraph 9, these provide broad objectives to be delivered through planning decisions.
- 5.13. At the heart of the NPPF is a presumption in favour of sustainable development as set out in paragraph 11. This means, *inter alia*:
- “c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 5.14. Chapter 4 outlines how Local Planning Authorities should approach decisions on proposed developments. It sets out that the approach should be positive and creative and that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.15. Paragraph 60 states the importance of a sufficient amount and variety of land coming forward without delay, to significantly boost the supply of homes and ensure an appropriate mix of housing types are provided to address specific housing requirements within local communities. Land with permission should be developed without delay.
- 5.16. Paragraph 65 states that affordable housing should only be sought for major residential developments. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
- 5.17. Paragraph 66 sets out the expectation for major development to deliver at 10% of the total number of homes for affordable home ownership.
- 5.18. Chapter 8 seeks development to promote healthy, safe, and inclusive communities. It sets out that decisions should promote social interaction and opportunities for people to meet each other, for example through mixed-use developments. It looks to achieve safe and inclusive places and beautiful buildings, so crime does not undermine the quality of life and ensure. Public safety, security, and healthy lifestyles are supported by encouraging well designed public spaces that facilitate walking and cycling.
- 5.19. Paragraph 103 refers to existing open space, sports and recreational buildings and land, including playing fields. These should not be built on unless:
- a) “an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

- 5.20. Chapter 9 “Promoting sustainable transport” states in paragraph 109 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.21. Paragraph 109 promotes development in locations that are sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.22. Paragraph 115 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 5.23. Chapter 11 advocates the effective use of land in meeting need for homes and other uses. Paragraph 124 (d) states that planning decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively”.
- 5.24. Paragraph 128 continues to state that decisions should support development that makes efficient use of land taking the following into account:
- d) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - e) local market conditions and viability;
 - f) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - g) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - h) the importance of securing well-designed and beautiful, attractive and healthy places.
- 5.25. Paragraph 131 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.”
- 5.26. Paragraph 135 seeks developments that “function well and add to the overall quality of the area . . . are visually attractive as a result of good architecture, layout and appropriate and effective landscaping... are sympathetic to local character and history, including the surrounding built environment and landscape setting...and create places that are safe, inclusive

and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

- 5.27. Paragraph 136 realises the important contribution of trees to urban environments and in mitigating climate change. Consequently, “Planning policies and decisions should ensure that new streets are tree-lined (if practical), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”.
- 5.28. Paragraph 139 states “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.
- 5.29. Paragraphs 157 – 179 require development to mitigate against the effects of climate change. Development should not result in increasing the likelihood of flooding elsewhere.
- 5.30. Chapter 16 relates to the historic environment. Planning applications potentially affecting heritage assessed are required (paragraphs 200 and 201) to describe the significance of the heritage asset in question in a level of detail sufficient to accurately predict the potential impacts of the development. Paragraph 205 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.
- 5.31. In accordance with paragraph 208, where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.32. Lastly, paragraph 214 states that local authorities should assess whether the benefits of a proposal for enabling development, which would otherwise be in conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Emerging Development Plan

- 5.33. Newark and Sherwood District Council have conducted a Plan Review to ensure the allocations and policies outlined in the Core Strategy and Allocations and Development management DPD continue to be appropriate, up-to-date, and effective. An Amended Allocations and

Development Management DPD was submitted for a period of representation from 14th November to 9th January 2023.

- 5.34. In July 2023, the Council published the Local Development Scheme (LDS) which sets out a timetable for the production and review of Newark and Sherwood's Development Plan alongside all of the SPDs and community consultations. Local Development Scheme came into effect on the 18th of July 2023, subsequent to the decision of the authority's Cabinet on the 11th of July 2023.

Supplementary Planning Documents

- 5.35. Supplementary Planning Guidance provides further details on policies outlined within the District Council's development plan. these may take the form of design guides, area development briefs or issue-based documents. SPDS do not form part of the statutory Development Plan but are a material consideration in the determination of planning applications. The following SPD's are of relevance for the proposed development.
- 5.36. Affordable housing SPD (2013) – provides guidance on the District Council's criteria for delivering the provision of affordable housing. The SPD expands on Core Policy 1 and applies to housing proposals of 10 or more dwellings for the Newark Urban Area.
- 5.37. Planning Obligations / Developer Contributions SPD (2013) – sets out the proposals for how the District Council approaches developer contributions and planning obligations. It outlines how developer contributions will be sought in accordance with national guidance and how it identifies relevant policies and types of development to which the obligation will apply.
- 5.38. Draft Newark Conservation Area Review (2021) - The northern portion of the site lies within the Newark Conservation Area and the Newark Historic Core. The Conservation Area was first designated in 1968 and the most recent boundary for the CA was designated 1st November 2022. A draft Appraisal exists for the area and the site is recognised as being within the London Road Character Area. The review is expected to lead to the publication of a 'Conservation Area Appraisal and Management Plan'.
- 5.39. Residential Cycling and Car Parking Standards SPD (2021) – The SPD sets out clear recommendations and guidance for residential developments and the provision for car and cycle parking. Within this Guidance, the site is located within the Inner Newark Parking Zone and is therefore subject to the parking standards prescribed to this spatial area in the guidance.

- 5.40. Guidance for New Developments Waste Storage and Collection - Outlines the adopted waste hierarchy and approach to waste management in Newark and Sherwood. The Authority strives for, in priority order, to prevent, reduce, reuse, and recycle waste in preference to immediate disposal. The SPG provides detail on the specific requirements for the storage and collection of waste and recycling for new residential developments. New developments should be designed to accommodate the District Council's collection vehicles and ensure the designated storage areas for waste are in a convenient location for householders. As a default, the Council recommends space is provided for 1 refuse bin and 2 recycling bins.

6. Planning Assessment

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. The key planning issues are considered in turn below.

Pre-application

- 6.2. As highlighted above, the formal feedback confirmed the principle of development is acceptable subject to full assessment against the Development Plan. It was noted that the site is subject to a number of constraints which will be material considerations during the determination of the planning application.
- 6.3. A number of design changes were made to the scheme follow receipt of the pre-application advice and consultee comments, the key changes are set out below. The key design drivers have been to emphasis the green corridor, retain existing trees, improve permeability, address tracking issues and reduce the dominance of car parking.

Reinforce green corridor - In response to the tree officer's comments, the line of existing Category B trees through the site have been retained and north-south spine road realigned. This results in a more defined green corridor, reduction in parking from the main highway and a reduction in number of units.

Retention of high-quality trees - All Category A trees and majority of Category B trees are being retained.

Lack of permeability through site – In addition to the enhanced green corridor which includes a pedestrian path, a new pedestrian route away from the main road has been provided to the west of the site. The bowling club lane is unlit and had no pavement, therefore no link is provided from the site as there are safety concerns associated with encouraging pedestrians to use these route to access the town centre.

Housing mix - Five bungalows are proposed within the northern part of the site to the south of the listed buildings. This meets the requirement of Core Policy 3 to provide a mix which addresses the housing need of the district.

Car dominance - Frontage car parking has been reviewed against the Residential Cycle and Car Parking Standards & Design Guide SPD. The size of the spaces has been

amended and area of landscaping of equal width to a parking space has been introduced after every fourth space to break up the visual impact of the parking.

Plot 1 - The focus of Plot 1 dwelling now faces the listed building and bay has been added to enliven the elevation. The car parking has been relocated from directly in front of the building.

Plot 20 - Plot repositioned to increase rear garden space.

Setting of retained Caretakers Cottage - The trees surrounding the house have been retained where possible to maintain the existing mature character. The closest new dwellings are located further from the cottage than the existing school hall. However, separation has been increased through the addition of the pedestrian link meaning the cottage will be seen as separate and in its own context. The set back adds to its significance.

Trees in relation to services and overbearing on gardens – It is proposed to remove the large Poplar trees within Tree Group G9 along the western edge of the site to avoid conflict with the dwellings and potential future amenity issues. However, it is noted that this element falls within the outline element of the site with layout and landscaping being reserved matters. Full details in regard to these trees will be provided at Reserved Matters stage. The smaller trees within the group will be retained.

Provision of play spaces - A Local Equipped Area of Play (LAP) is shown in outline application area. The public open space adjacent to the listed buildings is to be retained as green space only. Larger grassed amenity and play areas are located in close proximity to the site.

Highways width and length - Widening at bends has been incorporated. Dead ends over 50m have been shortened. Access to the tennis club is from London Road via the tennis club lane only which sits outside the application site.

Waste and refuse provision - Each dwelling will be provided with space to accommodate 4no (240 litre) wheelie bins. 1no - refuse, 2no recycling and 1no garden waste. Bins stores for each apartment building have been incorporated onto the plans.

Cycle storage – Each dwelling will have a shed in the rear garden for cycle storage.
Covered and secure bike stores are provided adjacent to each listed building.

Principle of Development

- 6.4. The application site is located in within the urban area of Newark-on-Trent to the south of the town centre. The northern part of the site is located within Newark Conservation Area (Policies CP14 and DM9) and includes the Grade II Listed Lilley and Stone School building. The south of the site comprises the former playing fields associated with the school.
- 6.5. In accordance with policies SP2, NAP1 and DM1, given the site is located with the urban area of Newark which is to be the focus of new housing in the district, the principle of redevelopment for residential purposes is acceptable. Much of the surrounding area is residential in nature and therefore a residential use would be in keeping.
- 6.6. The NPPF advocates the effective use of land in order to meet the need for homes and other uses, through the re-use of as much previously developed land as possible. Given the site is sustainably located and comprises previously developed brownfield land, the redevelopment of the brownfield parts of the site to provide new homes is acceptable in principle. The scheme strikes a balance of making efficient use of the site and providing a good level of amenity for future residents whilst not representing an overdevelopment.
- 6.7. In the case of the playing fields, Spatial Policy 8 sets out that proposals out that the loss of existing community and leisure facilities through new development requiring planning permission will not be permitted, unless it can be clearly demonstrated that, inter alia:
- Its continued use as a community facility or service is no longer feasible, having had regard to appropriate marketing, the demand for the use of the site or premises, its usability and the identification of a potential future occupier; or
 - There is sufficient provision of such facilities in the area; or
 - That sufficient alternative provision has been, or will be, made elsewhere which is equally accessible and of the same quality or better as the facility being lost.
- 6.8. NPPF paragraph 103 adds that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless it has been demonstrated the open space is surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

- 6.9. As was set out at pre-application stage, in order to satisfy the requirements of Spatial Policy 8 and the NPPF, it is the intention to demonstrate that the open space and sports facilities that will be lost through the development of the application site, have been and will be replaced by facilities of equal or better quality in a suitable location.
- 6.10. A new Multi Use Game Area (MUGA) was provided at The Newark Academy when the school relocated and therefore does not have to be replaced as part of the current proposals. Additional evidence to support this point will be submitted separately.
- 6.11. The development will also facilitate the provision of new sports facilities, to provide a betterment, through Section 106 Contributions. Discussions are ongoing between the applicant, the LPA and Sport England in regard to a specific project at Kelham Road. Two new football pitches are proposed to be provided in addition to the completion and fit out of the existing pavilion shell which includes changing rooms. Timings and programme in regard to bring these facilities forward are also to be discussed and agreed. The schedule and program for the implementation of these facilities are also to be agreed.
- 6.12. The proposed development will incorporate generous areas of open space and green linkages through the site. These spaces will be accessible to new residents and the wider public, and therefore will have a broader benefit compared to the former school playing fields which were not accessible to the public and have not been in use at since the school closed in 2016. It is important to note that the tennis club lies outside of the application site so will not be affected by the development, but a new formal 22-space car park will be provided within the site for exclusive use of the tennis club which represents a considerable benefit to the membership.
- 6.13. In addition, the contribution of new housing towards local need is a further considerable benefit to be balanced against the loss of the playing fields and sport facilities. Whilst the site is not allocated in the most recent Strategic Housing and Employment Land Availability Assessment (2021), or among the three housing allocation sites proposed for the Newark Urban Area. The Core Strategy addresses residential growth in three Strategic Sites, however a residual supply of 1,544 dwellings remains to be planned. The SHELAA set's an overall target of 9080 dwellings to be constructed in Newark and Sherwood District between 2013-2033. Under Core Policy 3 of Newark DC's Core Strategy, the council supports the delivery of allocated sites and will help to overcome constraints to unlock other sites for development where appropriate.

Layout & Design

- 6.14. The NPPF sets out that the creation of high-quality buildings is fundamental to planning and development and good design is a key aspect of sustainable development (Paragraph 131). The proposed layout has been informed by a detailed design process incorporating input in respect of architectural design, highways, landscaping, ecology and heritage. The proposals will respect the local distinctiveness and be sympathetic to heritage, environmental and landscape assets in accordance with Policy DM5.
- 6.15. The layout has been developed with the key restoring the prestige of the listed buildings which front London Road within the Conservation Area. Sufficient separation has been afforded between the retained listed buildings and the new development within the north of the site to provide some 'breathing space' which has been created through the removal of some later additions which detracted from their setting.
- 6.16. The houses within the detailed application fall within two-character areas. Adjacent to the retained listed buildings have a courtyard character and address the central open space. The courtyard is the highest density area of the proposal, featuring terrace runs of up to 4 units alongside semidetached properties, emphasising the sense of enclosure. There is a medium plot coverage with dwellings being 2.5-3 storeys in height to enhance the presence of the listed buildings which are at a similar scale. Dwellings are proposed to be red brick to reflect the character of the adjacent listed buildings and use materials such as slate roofs that are common in the wider conservation area.
- 6.17. The Close character area is located further south centrally within the site. The Close provides medium density and medium plot coverage with predominantly two-storey semi-detached red brick properties. The bungalows that have been incorporated within the scheme also fall with in this area.
- 6.18. The development will be accessed via the two new accesses to the site from London Road in the north and Harewood Avenue in the south. The northern access will serve a total of 101 new dwellings and apartments within the converted listed building whilst the southern access will serve 33 new build houses.
- 6.19. There will be no vehicular access through the site from south to north so no new shortcut will be created. However, access for pedestrians and cyclists will be afforded throughout. The development will create a route connecting the residential area to the south, with the town centre at the north which will encompass the new public open spaces within the site. The open

spaces will be designed to provide amenity space and will be planted with native shrubs and trees to encourage biodiversity. A LAP is proposed as part of the green space to the south of the site.

- 6.20. All of the new build proposed properties would be generously sized and exceed the minimum floorspaces set out by the Technical housing standard – nationally described space standard. The units within the converted listed buildings have been designed to meet space standards where possible.
- 6.21. The application submission is made with a Design and Access Statement which discusses design matters in greater detail.

Residential Amenity

- 6.22. Policy DM5 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. Proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.”
- 6.23. The proposed dwellings have been sited (including the indicative layout on the outline part of the site) in order to ensure there is no loss of residential amenity caused to new residents or existing residents neighbouring the site by way of direct overlooking or overbearing impact. Front-to-side distances of a minimum 11m have been maintained as well as back-to-back distances of at least 20m to prevent overlooking between properties. These distances have increased at the boundary adjacent to Lime Grove where back-to-back distances are over 27m.
- 6.24. Each of the houses would have a private garden appropriate to the size of the dwelling. Gardens generally adjoin other gardens.

Heritage

- 6.25. There are two designated heritage assets within the application site, the Grade II listed Lilley and Stone School and the Newark Conservation Area which covers the northern part of the site. The listed building in addition to two curtilage buildings are to be retained and converted to residential use). In addition, the former caretaker’s property which is also considered to be curtilage listed will also be retained in its existing use. It was initially intended to demolish the caretaker’s property, but the scheme was amended to incorporate it into the scheme following early feedback from Council Conservation Officers.

6.26. The NPPF at paragraph 205 states:

“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important to asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

6.27. Paragraph 206 states that any harm to, or loss of, significance to a designated heritage asset, should require clear and convincing justification. Paragraph 208 requires that in circumstances that would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use or the provision of housing to meet local needs. LPAs should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably (NPPF Paragraph 212).

6.28. This assessment has established that the proposed works have been designed to limit the impact to the Lilley and Stone School as far as possible, whilst enabling the listed building and curtilage listed buildings to be converted to residential use. Whilst the proposals will result in a degree of harm to the significance of the Lilley and Stone School buildings, the harm is considered to be less than substantial in NPPF terms. It is highlighted that the significance the buildings derive overall from their historic interest as early 20th century school buildings and their architectural interest from their relatively decorative external appearance, which will be maintained. The proposals are considered to conserve the character of the Newark Conservation Area.

6.29. The low level of harm identified should be weighed against the significant heritage benefits of including the removal of unsympathetic additions, preventing further deterioration and restoration plus the wider public benefits of the scheme. The proposals are considered to conserve the character of the Newark Conservation Area.

6.30. Given the low level of harm identified and the significant public benefits of the proposals, particularly that they would ensure the long-term conservation of deteriorating heritage assets, the benefits are considered to outweigh the harm in this case. Heritage is considered in full within the Heritage Statement which accompanies the submission.

Affordable Housing

- 6.31. Core Policy 1 require developments providing 11 or more dwellings to provide 30% affordable housing. A total of 134 new dwellings are proposed which would result in an affordable requirement of 40.2 dwellings. The Council's preferred approach is to seek provision of affordable units onsite, however in instances where it can be demonstrated that off-site provision is more appropriate, a financial contribution of equivalent value will be secured.
- 6.32. Paragraph 65 of the NPPF states that in order to support the reuse of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. National planning policy guidance sets out that the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution. Affordable housing contributions may be required for any increase in floorspace.
- 6.33. The existing vacant buildings on site have a combined floor area of 7,204 sqm. The combined total floor space of all the new development on site would be 11,518sqm (subject to final details being agreed at reserved matters stage). Therefore, the proposals result in an increased floorspace of 4,314sqm. Applying VBC the revised affordable requirement would 14.9 dwellings or equivalent financial contribution.
- 6.34. Notwithstanding the above, Core Policy 1 notes that in circumstances where the viability of a scheme is in question, the applicant will be required to demonstrate this through a viability appraisal. The application is submitted along with a full Viability Assessment prepared by Aspinall Verdi which demonstrates that scheme unviable and therefore is unable to provide any affordable housing.

Highways & Parking

- 6.35. The application is accompanied by a Transport Assessment (October 2023) prepared by Eddisons which considers the transport matters in relation to the application site and the traffic impact of the development proposals on the local highway network. An additional Transport Note (December 2023) forms part of the submission and responds to the comments and queries raised by Nottinghamshire County Council (NCC) at pre-application stage.
- 6.36. NCC requested that additional highway surveys were undertaken in a neutral month (earliest mid-January 2024). Discussions between NCC and Eddisons are ongoing to agree the scope for

these surveys and trip-rates. Following the completion of the surveys the Transport Assessment will be updated and reissued.

- 6.37. The development will be accessed via the two new accesses to the site from London Road in the north and Harewood Avenue in the south. The northern access will serve a total of 101 new dwellings and apartments within the converted listed building whilst the southern access will serve 33 new build houses.
- 6.38. The proposed development site boasts excellent accessibility. The site is well-connected by foot, with nearby footways along London Road and Harewood Avenue that link to a comprehensive network of routes in the local area, and the maximum walking distance of 2km makes it accessible for most purposes. The 2,000m pedestrian catchment encompasses much of Newark-on-Trent's town centre, making it a prime destination for employment, retail, and leisure activities. Moreover, the site is conveniently close to primary services and leisure facilities, all within preferred walking distances, facilitated by existing pedestrian infrastructure.
- 6.39. In terms of cycling, the National Cycle Route 64 is located approximately 1.1km to the east, providing accessibility for cyclists. The site is served well by public transport, the nearest bus stops to the site are located along the London Road frontage of the site (Lime Grove (eastbound) and Beaumont Gardens (westbound)), approximately 180 and 240-metres to the west and east respectively, with frequent services to Hawtonville, Balderton, Fernwood, and Lowdham. Additionally, Newark Bus Station is only around 700 meters to the west.
- 6.40. Rail access is also available via Newark Castle and Northgate stations, located about 1,400m northeast and north of the site. Overall, the site offers a variety of transportation options, promoting non-car travel modes as outlined in NPPF.
- 6.41. Swept path analysis has been carried out for the access and turning heads to demonstrate there is sufficient space for servicing and delivery vehicles to turn. Refuse collection vehicles would be able to access / egress the site in forward gear.
- 6.42. Residential parking standards are set out in the Residential Cycle and Car Parking Standards & Design Guide SPD (June 2021). The site is located within the 'Inner Newark Parking Zone' which requires 1 space for 1 and 2 bed dwellings and 2 spaces for any dwelling with 3 or more bedrooms. Parking standards are expressed as minimums. Visitor spaces are also encouraged by the SPD with quantum's to be decided on a case-by-case basis.

- 6.43. Each house includes parking for two cars on private driveways to either the front or side of the property which is in-line with the adopted standards. 38 spaces are provided for the 32 apartments in the converted listed buildings which allows for visitor spaces in accordance with the adopted standards. A total of 4 spaces are provided as accessible.
- 6.44. The existing access to the adjoining Newark Tennis Club sits outside the application site and remains unchanged. A new dedicated 22 space car park is provided for the club within the application site. This replaces the current informal arrangement whereby tennis club members park within the former school site.
- 6.45. NPPF Paragraph 115 states, "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 6.46. The assessment concludes that the resulting traffic volumes onto Harewood Avenue would be low. The new London Road priority-controlled access would operate well below capacity given the proposed movements associated with the development with no queueing traffic along any of the approach arms to the junction. It is therefore considered that the traffic associated with the proposed development will have a negligible impact. Indeed, the proposed residential development would generate much fewer trips than the previous school use.
- 6.47. Given the impact of the proposed on the highway would be minimal, it would not have a severe impact on the operation or safety of the local highways, and therefore the development should be considered acceptable in this respect.

Trees

- 6.48. The Tree Survey recorded 73 individual trees on site comprising 7 Category A trees (high quality), 28 Category B (moderate quality), 33 Category C (low quality) and 5 Category U (removal) trees. 12 Groups of trees were identified, comprising 1 Category B, 10 Category C and 1 Category U groups.
- 6.49. The design has sought to incorporate the existing trees and minimise the requirement for tree removal. However, due to the building and engineering requirements there is conflict with trees which is considered unavoidable and therefore a number of internal trees are to be removed to facilitate the development. These are generally lower category trees which are not important to the character or wider landscape.

- 6.50. Several Category B trees are to be removed to facilitate the two new access points onto London Road and Harewood Avenue. The London Road access is positioned in the only possible location between the two retained listed buildings, an effort has been made to retain most of the Category B trees along the site frontage which is located in Newark Conservation Area. The Harewood Avenue access was repositioned further to the west following the initial Tree Survey to allow the retention of all the high-quality Category A trees along this frontage, however, in order to facilitate the new junction a single Category B tree is to be removed.
- 6.51. The design of the scheme has been amended following comments received from the Tree Officer during the pre-application process. In particular the north-south link road to the south of the listed buildings has been moved westwards, which has in-turn allowed the retention of several Category B Trees located centrally within the site (T24, T25, T37 & T38). T18 is also now shown as being retained close to the London Road entrance and several trees are retained around the former caretaker's cottage. These changes represent a significant enhancement to the earlier scheme and support the aim of the NPPF to provide tree lined streets where practical (Paragraph 136).
- 6.52. None of the trees proposed for removal are considered aged or veteran and therefore the principles for refusal within the NPPF would not be considered applicable. The loss of these trees will be more than mitigated through the provision of new tree planting and landscaping.

Ecology

- 6.53. Policy DM5 Paragraph 7 requires that development proposals on sites that have the potential to provide habitat for protected species should be supported by an ecological assessment. The application is accompanied by a Preliminary Ecological Appraisal Report prepared by Bowland Ecology. The report identifies ecological constraints and sets out recommendations that should be implemented to ensure that the development is in conformity with protected species legislation and to mitigate any harm to protected and/or notable species/habitats.
- 6.54. The site is not subject to any statutory designations. One Local Wildlife Reserve (Devon Park Pastures) is identified 0.8km to the south-west of the application site but given the separation distance, direct and indirect impacts have been discounted.
- 6.55. Eighteen non-designated sites have been identified. Due to the nature of the development, limited to the Site footprint and immediate surroundings, and lack of connections between designations and the site, often disrupted by busy roads and dense residential areas, no impacts are anticipated to non-statutory designations.

- 6.56. The site contains a mixture of habitats including the existing buildings and hardstanding (car parking), modified grassland, bare ground (including the former all-weather sports pitch), introduced scrub and trees, all of which are identified as habitats of low/very low distinctiveness.
- 6.57. Neutral Grassland which was mainly contained in the former playing fields to the south of the site but also in small pockets to the north were considered to be of medium distinctiveness. Overall, all grasslands were noted to lack the appropriate species diversity to achieve good condition. Areas of bramble and mixed scrub were also identified as medium distinctiveness.
- 6.58. Ten buildings within the site and two trees were assessed to offer opportunities for roosting bats and opportunities for foraging and commuting bats are present on site in the form of the lines of trees, grassland and areas of scrub. As such further bat surveys were recommended to establish if potential roost features are being used by bats in the 2023 bat survey season.
- 6.59. The results of the bat surveys are detailed in the separate Bat Survey Report which accompanies the submission. Five visits were made to the site in order to evaluate the potential for roosting. The surveys showed that the site supports four small roosts occupied by low numbers of common species of bat and, although legally protected, the roosts would be assessed by Natural England as being of 'low conservation significance'. Given all roosts identified are located in a building that is to be demolished to facilitate the development a European Protected Species Mitigation Licence will need to be sought from Natural England following the grant of planning permission.
- 6.60. No further surveys were recommended in relation to notable species. Given the trees, introduced shrubs and scrub on site offer suitable bird nesting habitat, any works to potential nesting habitats be undertaken outside the bird nesting season (which is generally March – August) unless a nesting bird survey is undertaken first.
- 6.61. The report recommended ecological enhancements including the creation of new linear paths throughout the site. Proposed areas of grassland and gardens to be seeded with flowering lawn mixes comprising mow-tolerant species such as selfheal. Installation of bird and bat boxes would be beneficial to wildlife and can be secured by condition. Walls and fences should be fitted with permanent holes at the base to allow hedgehog highways.

Biodiversity Net Gain

- 6.62. Core Policy 12 sets out that the Council will seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity within the district.
- 6.63. The NPPF seeks to secure 'net gains' for biodiversity and sets out that planning permission should be effused where significant harm from development cannot be avoided, suitably mitigated or as a last resort, compensated. The Environment Bill mandates a 10% net gain position, however there is a two-year grace period before this is enforced nationally (expected January 2024).
- 6.64. The application is also accompanied by a Biodiversity Net Gain Assessment which is based on the current Metric (4.0). Despite the enhancement and mitigation proposed the assessment demonstrates that the that the development will result in net loss in area of habitat units (-10.92 units / -55.26%). A net gain in linear units is demonstrated (1.68 units /+60.90%).
- 6.65. Given the net loss achieved on site, and the lack of opportunity within the scheme to provide sufficient habitat space to achieve a net gain, compensation will be required will be required in order to meet requirements off-site. Discussions should be undertaken with the Local Planning Authority during the determination period to agree suitable offsetting.

Flood Risk & Drainage

- 6.66. The entire site is situated in Flood Zone 1 as per the Environment Agency's flood map for planning, which indicates a very low risk of flooding from rivers or sea (less than 1 in 1,000 annual probability). Notwithstanding this, the NPPF requires proposals for sites of 1 hectare or more that are in Flood Zone 1 to be accompanied by a site-specific flood risk assessment (FRA). An FRA has been prepared by PG Consulting and accompanies the application.
- 6.67. The assessment also confirms the majority of the site is at a very low risk of flooding from land and surface waters (less than 0.1%), with small parts of the site having a low risk (between 0.1% and 1%). The risk of flooding from sewers and ground water is also considered to be low.
- 6.68. The Drainage Strategy identifies that given the granular nature of the underlying geology, infiltration is likely to be a viable option for the discharge of surface water from the site. Two infiltration tanks to proposed within the public open spaces within the north and south of the site. These infiltration tanks will be in the form of geocellular tanks which will provide attenuation whilst also allowing infiltration to the underlying sands and gravels.

- 6.69. The proposed drainage layout for the new development site will be designed in accordance with the new Design & Construction Guidance (DCG), BS EN 752: 2008 and Building Regulations Part H guidance, i.e. up to the 30-year storm return period criterion and tested for the 1 in 100-year return period including a 40% increase to account for climate change to confirm that there is no flood risk to the properties.
- 6.70. The use of SuDS in the form of Prevention, Source Control and Site Control measures will help to minimise the flood risk impact to the surrounding networks.
- 6.71. Foul water generated by the development will be collected by new below ground piped drainage networks. These will discharge into the existing combined water sewers in London Road to the north and Harewood Avenue to the south of the site. A new adopted foul water pumping station will be incorporated into the scheme to take the foul water to the combined sewers.

Contamination

- 6.72. Given the site partially comprises previously developed land, contamination is a risk that needs to be managed. A 'Phase 1' Desk Study has been undertaken which has identified potential for some contamination to be present at the site, this is generally associated with the former school use and locally due to the presence of an electrical sub-station within the south-west corner.
- 6.73. The report recommends that a 'Phase 2' Intrusive Ground Investigation is undertaken prior to carrying out the redevelopment of the site. This can be secured through a suitably worded condition.

Planning Obligations

- 6.74. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 agreements, are a mechanism that make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on the site-specific mitigation of the impacts of a development. Any contributions must ensure they meet the tests set out in the National Planning Policy Framework and the CIL regulations to ensure policy compliance and lawfulness.
- 6.75. The Developer Contributions and Planning Obligations SPD (December 2013) sets out the Council's approach to securing contributions in order to provide infrastructure to address the

impact of development proposals. The SPD sets out the types of obligations that the Council may seek to secure.

- 6.76. In addition to affordable housing which is discussed above, it is understood that the following non-housing contributions would be sought:

Primary Education - £95,050.00;

Health - £136,498.00;

Libraries - £4,902.00;

Provision for children and young people - 2,502 sqm on site;

Outdoor Sports Facilities - £102,543.08;

Amenity Open Space - 2,001.6 sqm on site;

Transport - £43,200.00.

- 6.77. Spatial Policy 8 sets out that proposals out that the loss of existing community and leisure facilities will only be permitted if unless it can be clearly demonstrated that they are/or will be replaced by facilities of equal or better quality. Therefore, mitigation and re-provision of sports facilities is considered to be a priority and has been the subject of pre-application discussions with the Council.

- 6.78. It is proposed to provide contributions which will be used to facilitate the provision of new sporting and community facilities at Kelham Road alongside the existing cricket club. Two new football pitches are to be provided (indicative Sport England costs of £165k in total) along with the completion and fit out of the existing pavilion shell including changing rooms. An indicative figure of up to £500k has been used in the Financial Viability Assessment which accompanies this submission, but it is expected that the costs to provide these facilities in their entirety will be refined through the application process through conversations with the relevant officers.

- 6.79. The Viability Assessment concludes that due to substantial costs owing to the complexities of the scheme (particularly the restoration and re-use of the heritage assets), a 100% market housing scheme providing the identified non-housing s106 contributions would make a profit of 0.09% which is well below the desired rate of return. Therefore, the scheme is unable to provide the package of planning obligations required by local planning policy.

- 6.80. The assessment considers two other scenarios. Scenario 2 considers a 100% market housing scheme with only the £500k allowed for replacement sports facilities and the third scenario considers 100% market scheme with no s106 contributions. Scenario 2 makes a profit of 2% on GDV and scenario 3 makes a profit of 3.73% on GDV, both of which are below the desired rate of return.
- 6.81. Given the development includes the restoration of several listed heritage assets, not developing the site is not an option in this instance. It is expected that the delivery of the scheme will be reliant upon achieving some level of cost savings as construction cost inflation eases and an improvement in the values achievable. At this stage it is essential for the applicant to adopt a conservative approach to cost estimates and potential savings due to the uncertainties of risks. It is anticipated that some of this risk can be eliminated as further investigations are conducted which could allow profitability to improve.
- 6.82. The applicant would welcome the opportunity of discussing obligations with officers at the earliest possible opportunity.

7. Conclusion

- 7.1. Bildurn are seeking full planning permission for the conversion of 3 no. retained heritage buildings to provide 32 apartments and erection of 35 new houses and outline permission for the erection of up to 67 new dwellings (all matters reserved except access).
- 7.2. The site is located in a sustainable location within the urban area of Newark-on-Trent close to the town centre and comprises previously developed land, therefore the redevelopment of the brownfield parts of the site to provide new homes is acceptable in principle. The creation of new homes on this site aligns with the Council's housing supply objectives and enhances the diversity of available housing options within the local area.
- 7.3. The south of the site comprises former school playing fields. Adopted policy sets out that the loss of existing community and leisure facilities due to new development should not be permitted without equivalent alternative provision. The development will facilitate the provision of new facilities, to provide a betterment, through Section 106 Contributions. Furthermore, the development plans incorporate substantial open spaces and green linkages throughout the site, ensuring accessibility to both new residents and the wider public.
- 7.4. The proposals will result in the sensitive restoration and reuse of the heritage assets. Any harm is considered to be less than substantial and is outweighed by the significant heritage benefits including, preventing further deterioration, securing a viable long-term use, removal of later harmful additions and reinstating key features.
- 7.5. The submitted details demonstrate that a well-designed residential development can be accommodated on this sustainable site. The proposal development would protect and enhance the appearance of the site and wider area.
- 7.6. The proposals will not result in any harm to the wider landscape, residential amenity, highways, trees or ecology.
- 7.7. The proposals have been assessed against all relevant national and local planning policy. For the reasons stated in this statement it is requested that the officer appointed to determine this application should look upon this scheme favourably and recommend approval without delay.
- 7.8. Should there be any queries regarding the application submission then please contact Jack Appleton [REDACTED]

APPENDIX 1

Jack Appleton
Regent House
Heaton Lane
Stockport
SK4 1BS



Our ref: PREAPM/00260/23

15th December 2023

Dear Mr Appleton,

PRE-APPLICATION ENQUIRY

Application Ref: PREAPM/00260/23

Proposal: Hybrid planning application seeking full permission for the demolition of existing buildings, conversion of 3 no. retained heritage buildings to provide 32 apartments and erection of 43 new dwellings including access, parking and landscaping; and outline planning permission of the erection of up to 64 new dwellings (all matters reserved except access).

Site Address: Former Lilley And Stone High School, London Road, Newark On Trent

Thank you for your request for pre-application advice relating to the above site. I can confirm that I have visited the site, reviewed the site history and have made an assessment of the proposal against the current development plan taking account of any other material planning considerations. For the avoidance of doubt I can confirm that the following information was submitted for consideration with your request:

Title	Reference
Covering Letter	Dated 2 nd November 2023
Planning & Affordable Housing Statement	165/001 dated November 2023
Design & Access Statement	Rev. P3 dated October 2023
Heritage Statement	Dated October 2023
Flood Risk Assessment & Outline Drainage Strategy	PGC 198 3 dated 23/10/23
Preliminary Ecological Appraisal Report	BBE-00113-01
Bat Survey Report	Dated 12/10/2023
Transport Assessment	3876 dated 20/10/2023
Arboricultural Impact Assessment	1465-AIA-V1-C dated 10 th November 2023
Tree Schedule	1465-TS-001-C dated 23/10/2023
Tree Constraints Plan	1465-TCP-001-C Rev. C
Viability Assessment	V2 dated 7 th November 2023
Plot Schedule	Received by email dated 16 th November

GA Ground Floor Plan Existing – Block 1	2011 P4 2023-10-17
GA Ground Floor Plan Demolition – Block 1	2051 P5 2023-10-17
GA Ground Floor Plan Proposed – Block 1	2211 P5 2023-10-17
GA First Floor Plan Existing – Block 1	2012 P4 2023-10-17
GA First Floor Plan Demolition – Block 1	2052 P5 2023-10-17
GA First Floor Plan Proposed – Block 1	2212 P6 2023-10-17
GA Second Floor Plan Existing – Block 1	2013 P4 2023-10-17
GA Second Floor Plan Demolition – Block 1	2053 P5 2023-10-17
GA Second Floor Plan Proposed – Block 1	2213 P5 2023-10-17
GA Basement Floor Plan Existing – Block 1	2010 P3 2023-10-17
GA Basement Floor Plans Demolition – Block 1	2050 P4 2023-10-17
GA Basement Floor Plan Proposed – Block 1	2210 P4 2023-10-17
GA North Elevation Existing – Block 1	3510 P4 2023-10-17
GA West Elevation Existing – Block 1	3511 P3 2023-10-17
GA South Elevation Existing- Block 1	3512 P3 2023-10-17
GA East Elevation Existing – Block 1	3513 P3 2023-10-17
GA North Elevation Proposed – Block 1	3710 P3 2023-10-17
GA West Elevation Proposed – Block 1	3711 P3 2023-10-17
GA South Elevation Proposed – Block 1	3712 P4 2023-10-17
GA East Elevation Proposed – Block 1	3713 P3 2023-10-17
GA Sections Existing – Block 1	3110 P3 2023-10-17
GA Sections Demolition – Block 1	3151 P5 2023-10-17
GA Sections Proposed – Block 1	3210 P5 2023-10-17
GA Ground Floor Plan Existing – Block 2	2021 P4 2021-10-17
GA Ground Floor Plan Demolition – Block 2	2061 P5 2021-10-17
GA Ground Floor Plan Proposed – Block 2	2221 P4 2021-10-17
GA First Floor Plan Existing – Block 2	2022 P4 2021-10-17
GA First Floor Plan Demolition – Block 2	2162 P5 2021-10-17
GA First Floor Plan Proposed – Block 2	2223 P5 2021-10-17
GA Basement Floor Plan Existing – Block 2	2020 P4 2021-10-17
GA Basement Floor Plan Demolition – Block 2	2060 P5 2021-10-17
GA Basement Floor Plan Proposed – Block 2	2220 P4 2021-10-17
GA Mezzanine Floor Plan Proposed – Block 2	2222 P5 2021-10-17
GA Roof Plan Existing – Block 2	2023 P4 2021-10-17
GA Roof Plan Demolition – Block 2	2163 P5 2021-10-17
GA Roof Plan Proposed – Block 2	2224 P4 2021-10-17
GA Sections Existing – Block 2	3120 P4 2021-10-17
GA Sections Demolition – Block 2	3161 P5 2021-10-17
GA Sections Proposed – Block 2	3220 P4 2021-10-17
GA North Elevation Existing – Block 2	3520 P5 2021-10-17
GA West Elevation Existing – Block 2	3521 P5 2021-10-17
GA South Elevation Existing- Block 2	3522 P5 2021-10-17
GA East Elevation Existing – Block 2	3523 P5 2021-10-17
GA North Elevation Proposed – Block 2	3720 P5 2021-10-17
GA West Elevation Proposed – Block 2	3721 P6 2021-10-17
GA South Elevation Proposed – Block 2	3722 P5 2021-10-17
GA East Elevation Proposed – Block 2	3723 P5 2021-10-17
GA Ground Floor Plan Existing – Block 3	2031 P4 2023-10-17

GA Ground Floor Plan Demolition – Block 3	2071 P5 2023-10-17
GA Ground Floor Plan Proposed – Block 3	2231 P4 2023-10-17
GA First Floor Plan Existing – Block 3	2032 P4 2023-10-17
GA First Floor Plan Demolition – Block 3	2072 P6 2023-10-17
GA First Floor Plan Proposed – Block 3	2232 P4 2023-10-17
GA Basement Floor Plan Existing – Block 3	2030 P4 2023-10-17
GA Basement Floor Plan Demolition – Block 3	2070 P5 2023-10-17
GA Basement Floor Plan Proposed – Block 3	2230 P3 2023-10-17
GA Roof Plan Existing – Block 3	2033 P4 2023-10-17
GA Roof Plan Demolition – Block 3	2073 P6 2023-10-17
GA Roof Plan Proposed – Block 3	2233 P4 2023-10-17
GA North Elevation Existing – Block 3	3530 P3 2023-10-17
GA East Elevation Existing – Block 3	3531 P3 2023-10-17
GA South Elevation Existing- Block 3	3532 P3 2023-10-17
GA West Elevation Existing – Block 3	3534 P3 2023-10-17
GA North Elevation Proposed – Block 3	3730 P3 2023-10-17
GA East Elevation Proposed – Block 3	3731 P3 2023-10-17
GA South Elevation Proposed – Block 3	3732 P3 2023-10-17
GA West Elevation Proposed – Block 3	3733 P3 2023-10-17
GA Sections Existing Sheet 1 of 2 – Block 3	3130 P3 2023-10-17
GA Sections Existing Sheet 2 of 2 – Block 3	3131 P3 2023-10-17
GA Sections Demolition Sheet 1 of 2 – Block 3	3170 P4 2023-10-17
GA Sections Demolition Sheet 2 of 2 – Block 3	3171 P4 2023-10-17
GA Sections Proposed Sheet 1 of 2– Block 3	3230 P4 2023-10-17
GA Sections Proposed Sheet 2 of 2– Block 3	3231 P3 2023-10-17
House Type A GA Elevations	3811 P2 2023-10-18
House Type A2 GA Elevations	3812 P2 2023-10-18
House Type A2 with Bay GA Elevations	3813 P2 2023-10-18
House Type C GA Elevations	3815 P2 2023-10-18
House Type C with Bay GA Elevations	3816 P2 2023-10-18
House Type D GA Elevations	3817 P2 2023-10-18
House Type A GA Plans	2311 P1 2023-08-04
House Type A2 GA Plans	2312 P1 2023-08-04
House Type A2 with Bay GA Plan	2313 P1 2023-08-04
House Type C GA Plan	2315 P2 2023-08-04
House Type C with Bay GA Plan	2316 P1 2023-08-04
House Type D GA Plan	2317 P1 2023-08-04
Site Plan Existing – Tree Removal Plan	1103 P5 2023-10-26
Site Plan Existing – Topographical Survey	1104 P2 2021-10-18
Illustrative Masterplan	1200 P14 2023-10-26
Proposed Boundary Treatment Plan	1214 P2 2023-10-26
Site Location Plan	1100 P4 2021-10-18
Proposed Second Floor – Detailed Housing	1212 P4 2023-10-26
Site Plan Existing	1105 P3 2021-10-18
Site Plan Existing – Demolition Extent	1106 P3 2021-10-18
Parameters Plan	1201 P4 2021-10-18
Proposed Roof Plan – Detailed Housing	1213 P4 2023-10-26
Proposed First Floor – Detailed Housing	1211 P4 2023-10-26

Proposed Second Floor – Detailed Housing	1212 P4 2023-10-26
Proposed Roof Plan – Detailed Housing	1213 P4 2023-10-26

Description of Proposal

The proposed development relates to the residential development on the site in various elements and through a hybrid application for partially full planning permission and partially outline planning permission.

Advice is sought for full planning permission for the conversion and part demolition of three existing (listed and curtilage listed) buildings towards the north of the site to provide a total of 32 apartments through the following mix:

- Building 1 – 2 x 1-bed 1-person units, 3 x 1-bed 2-person units & 1 x 2 bed 3-person;
- Building 2 – 10 x 1-bed 2-person units;
- Building 3 – 3 x 1-bed 1-person units, 9 x 1-bed 2-person, 2 x 2 bed 3-person & 2 x 2 bed 4-person.

In addition to the above, it is proposed to erect 43 houses with the following mix:

- House type A – 3-storey, 11no. 4-bed, 8-persons units – GIA 125sqm;
- House type A2 – 2.5-storey, 9no. 4-bed, 7-persons units – GIA 99-121sqm;
- House type C – 2-storey, 11no. 3-bed, 5-persons units – GIA 99-101sqm;
- House type D – 2-storey, 12no. 3-bed, 4-persons units – GIA 85sqm.

Vehicular access to the above would all be gained from London Road which would also maintain access to Newark Tennis Club and its associated car park.

Towards the south of the site, advice is sought in respect to outline permission for a further 64 houses with the following suggested mix:

- House type B – 2-storey, 2no. 4-bed, 8-persons units – GIA 121sqm;
- House type C – 2-storey, 12no. 3-bed, 5-persons units – GIA 99-101sqm;
- House type D – 2-storey, 50no. 3-bed, 4-persons units – GIA 85sqm.

A new vehicular access is proposed from Harewood Avenue along the southern boundary of the site.

Other than the three principal buildings sought for conversion and a caretakers cottage, existing buildings on site would be demolished to facilitate the development.

Site Description and Site History

The site relates to an area approximately 4.2 hectares in extent within the Newark Urban Area but outside of the defined Town Centre. The site is bounded by London Road to the north, the rear gardens of properties fronting Southend Avenue and Lime Grove, Harewood Avenue to the south, and Newark Town Bowls Club and an Iceland supermarket to the northwest. Access to the site is gained off London Road via a single-width road to the east of the former school building which connects to Newark Tennis Club at the southwest of the site boundary.

The site houses buildings once associated with educational use being the former Lilley & Stone school but more recently part of the sixth form campus for Newark Academy. The site has been vacant since 2016 but still currently comprises of 11 building alongside associated walkways and parking areas. The main school building (Science and Arts building) towards the northeast of the site is Grade II listed. Two neighbouring buildings are considered to be curtilage listed as is the Caretakers Cottage to the west of the site adjacent to the access road between the school complex and the bowling club. The northern part of the site is also within the designated Conservation Area as well as Newark's historic core as defined by the Proposals Map in the Allocations and Development Management DPD.

The southern part of the site currently comprises playing fields which are protected by Spatial Policy 8. The site is also subject to a group Tree Preservation Order. There are mature trees lining the southern boundary of the site along Harewood Avenue. The western boundary of the site is heavily tree-lined and there are scatters of mature trees throughout the school buildings at the northern portion of the site.

The site is within Flood Zone 1 according to the Environment Agency maps. The site is at very low or low risk of surface water flooding.

An operational electric substation is located to the southwestern corner of the site.

The majority of the planning history affecting the site relates to historic permissions from the 1990s for works to the school buildings. Permission was granted in November 2020 for the change of use from a dwellinghouse to bed and breakfast accommodation, but this relates to a building outside of the application site at the Newark Town Bowls Club site. The access to this accommodation does however share the existing access from London Road.

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 5 – Delivering the Strategy

Spatial Policy 6 – Infrastructure for 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 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

NAP3 – Newark Urban Area Sports and Leisure Facilities

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2023
Planning Practice Guidance (online resource)
Residential Cycle and Car parking standing Supplementary Planning Document (SPD)
Landscape Character Assessment SPD
Affordable Housing SPD
Developer contributions and planning obligations SPD
Guidance for New Developments Waste Storage and Collection

The appraisal of the scheme takes into consideration the above planning policy framework and other material considerations.

Consultation Responses

NSDC Conservation - Comments sent separately and discussed below.

NSDC Trees – Proposals would lead to the loss of significant amenity trees which would be damaging to the character of the area and heritage assets. It is anticipated that as trees grow the majority of them will require removal, significantly altering the character of the area.

NSDC Ecology – Comments sent separately and discussed below.

NSDC Strategic Housing – No comments received to date.

NSDC Health Improvement and Community Relations Manager – Verbal discussions incorporated into the response below.

NSDC Parks and Amenities – Open Space should be provided on site.

NCC Highways - Comments sent separately and discussed below.

NCC Flood – Comments sent separately.

NCC Policy (Developer Contributions) – Comments sent separately and discussed below.

Sport England - Comments sent separately and discussed below.

NHS – Request a contribution of £982 per dwelling.

Please note that we have only consulted with a limited number of consultees. You should be aware of the Statement of Community Involvement (SCI) which is available on the council's website www.newark-sherwooddc.gov.uk. This explains the importance of engaging with the community

prior to submitting a planning application to the District Council and sets out when you should normally undertake a community involvement exercise. You may also wish to contact the ward councillors to explain the details of the proposed development in order to seek their views. Involving the community to inform your development proposal before it is submitted as part of a formal planning application can significantly reduce the level of objection received and improve the quality of development at application stage which can in turn speed up the decision making process.

Appraisal

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new development primarily to the Sub-regional Centre of the Newark Urban Area which is made up of Newark, Balderton and Fernwood.

The site is within the Newark Urban Area and therefore the principle of developing the site for residential uses is acceptable.

However, in order to be acceptable, the proposals would need to be assessed against the Development Plan as a whole and the site is subject to a number of constraints which would form material considerations in the determination of any application moving forwards. These matters will be taken in turn in the following sections below. The enquiry relates to various elements namely the demolition and conversion of existing buildings; detailed residential proposals and outline residential proposals. Where relevant, assessment of varying elements will be separately discussed below.

Loss of School Playing Fields

Owing to the previous educational use of the site, the majority of the site forms existing playing fields which are protected by Spatial Policy 8. These include two hard surfaced tennis courts and a centralised synthetic sports pitch. Spatial Policy 8 states that the loss of existing community and leisure facilities will not be permitted unless one of the following can be clearly demonstrated:

- Its continued use as a community facility or service is no longer feasible, having had regard to appropriate marketing (over an appropriate period of time and at a price which reflects its use, condition and local market values), the demand for the use of the site or premises, its usability and the identification of a potential future occupier; or
- There is sufficient provision of such facilities in the area; or
- That sufficient alternative provision has been, or will be, made elsewhere which is equally accessible and of the same quality or better as the facility being lost.

In some respects this overlaps with the National stance set out within the NPPF which details at paragraph 99 that existing open space (including playing fields) should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

No evidence has been submitted with the enquiry to demonstrate that the continued use as playing fields is no longer feasible. It therefore appears that the intention is to rely on the second two bullet points of Spatial Policy 8. The Planning Statement contends that a new Multi Use Game Area (MUGA) was provided at The Newark Academy when the school relocated. The Statement does however go on to confirm that there is an intention to provide further facilities to provide a betterment through Section 106 contributions (discussed further below).

Both Spatial Policy 8 and the NPPF do accept the provision of alternative facilities could justify the loss of protected play space but only on the terms that the alternative provision is equally acceptable and of equal or better quality. These would also need to be additional facilities to any facilities which would be justified by the development itself (i.e. the proposed dwellings would put greater pressure on community facilities).

It is suggested within the enquiry that discussions have been ongoing with the relevant departments of the Council and Sport England in respect to agreeing the most appropriate project for contributions to be directed towards.

As is outlined in the detailed comments of Sport England, it is likely that they would object to any forthcoming application based on the level of detail provided at this stage. I would concur with their comments in respect to any application needing to provide more robust evidence for the loss of the existing facilities. This would include evidence to demonstrate that the MUGA provided at the Newark Academy was considered to provide a replacement for facilities at the former Lilley & Stone site.

The details submitted with the enquiry suggest that the £1.8million figure for replacement facilities has been reached through discussions with the Council outside of the planning process. Having discussed with the relevant colleagues internally it has been confirmed that this figure was purely provided as an indicative cost (based on Sport England costings) rather than a formal resolution of the Council. The site which the advice was based on is a site which is currently in agricultural use (and potentially has flooding issues) so would still require planning permission for a change of use to a sporting use. It would be for the applicant to robustly demonstrate what the associated costs of providing equivalent facilities (of the same or better quality) would be and where they could go (in discussion with the relevant Officers of the Council). The information provided to date to support the pre-application submission does not satisfy these requirements.

The proposal currently does not meet the requirements of Spatial Policy 8 or the NPPF as it does not adequately demonstrate (with appropriate specific evidence) that the playing fields to be lost would be replaced prior to commencement of development by a new area of playing field of equivalent or better quality, equivalent or better quantity and in a suitable location, and subject to equivalent or better accessibility and management arrangements.

Impact on Character and Design including Heritage Considerations

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9. The policy requires that development must promote local distinctiveness and protect heritage assets (including their setting).

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Demolition of existing buildings

Notwithstanding part demolition of buildings which will be discussed as appropriate below, the proposals would involve the complete demolition of a number of existing buildings as shown by plan reference "Site Plan Existing – Demolition Extent". These buildings are modern construction appearing on Ordnance survey maps from 1965 onwards. They offer little architectural merit and therefore there are no objections to their demolition in character terms.

Conversion (/part demolition) of 'Block 1'

Building 1 relates to the former Headteacher's House known as 'Shalem Lodge' which was built in 1897 and is curtilage listed through association with the adjacent Grade II listed school building to the south east.

Shalem Lodge is positioned towards the north western boundary of the site and is of Arts & Crafts style with red facing bricks and ground floor and render to the first floor. The hipped roof is covered in red clay tiles. The building features projecting gables on both the principle and rear elevation as well as a number of roof dormers. There is a single storey modern flat roof extension which adjoins the building to the southern elevation and is intended for demolition. The Conservation Officers comments in relation to Block 1 are as follows:

- Removal of the flat roof timber building would be an enhancement.
- The proposed floorplans state 'early 20th century fabric to be removed'. However, much of the significance of the building derives from the detailing from this period as it has Arts & Crafts influence. It is not fully clear if these features are of significance on the plans and it would be suggested that the floorplans are updated to denote features of either no/low/medium/high heritage significance rather than dating them, as this could leave a lot

of scope for interpretation. A lot of the detailing in the house dates from this period and removal of this would likely result in heritage harm. For example, dwgs no. 2051 Rev P5, 2052 Rev P5 & 2053 Rev P5 would imply all internal doors are to be removed from the building.

- For the most part, the proposed conversion of this building to residential appears to work within the confines of the floorplan and layout which would help retain some of the historic interest. However, within each apartment there would be subdivision to create bathrooms etc., which would result in a degree of harm to the significance of the building as it would diminish the proportions of the room and potentially interrupt or result in the loss of décor and detailing associated with the building's period of construction.
- The proposed floorplans indicate lining of all of the internal masonry walls, which would likely result in a high degree of harm as it potentially could alter the proportions of the room, result in the loss/damage to original and historic internal décor and features. In addition, the proposed works to the apartments facing London Road mentions the installation of mechanical ventilation which has the potential to harm the historic fabric and architectural interest of the building. It is noted that the annotations on the plans mention 'trickle vents provided to all existing windows' which would harm the historic fabric and craftsmanship of these features as many of them are historic/original.

Conversion (/part demolition) of 'Block 2'

Building 2 is the primary Grade II listed main school building which is set towards the north eastern corner of the site. This building is also in Arts & Crafts style constructed of red brick with stone detailing. The building features large semi circular arched multi-pane windows to the principle rooms. Later extensions include a single storey extension which links the building to Building 3 to the south (dating from the 1960s). The intention is for later additions to the south and west to be demolished to facilitate the conversion works. The Conservation Officers comments in relation to Block 2 are as follows:

- Removal of the flat roof side extension would be supported from a conservation perspective as this would help better reveal the significance of the building.
- Similar to Block 1, the proposed floorplans state 'early-20th century fabric to be removed' but much of the character and significance derives from this period so clarification on the annotations should be provided so it is clearer whether these features proposed to be removed are of any heritage significance (e.g. no/low/medium/high significance).
- Similar to Block 1, most of the proposed subdivision to create the separate apartments attempts to utilise the existing floorplan to help sustain the overall sense of space internally.
- The removal of the suspended ceiling on the first floor would better reveal the trusses and ceiling which would enhance the internal character of the Listed Building.
- It is recognised that the proposed mezzanine style apartments on the ground floor may help retain the high ceiling and overall proportions of these rooms. There are some concerns over how the junction of the floorplate would impact the architectural interest of the building e.g. the abutment with the window may negatively impact appearance of windows externally.
- The proposed floorplans indicate lining of all of the internal masonry walls, which would likely result in a high degree of harm as it potentially could alter the proportions of the room, result in the loss/damage to original and historic internal décor and features. In addition, the proposed works to the apartments facing London Road mentions the installation of mechanical ventilation which has the potential to harm the historic fabric and architectural interest of the building. It is noted that the annotations on the plans mention 'trickle vents provided to all existing windows' which would harm the historic fabric

and craftsmanship of these features as many of them are historic/original. In addition, some of the annotations on the floorplans mention 'new windows to be double glazed' which potentially cause a high degree of harm, particularly if replacing historic/original windows.

Conversion (/part demolition) of 'Block 3'

The third building is also curtilage listed and sits to the eastern boundary to the south of the main listed school building. It dates from 1920 and is constructed of red brick with stone accents. This is the largest of the three buildings which as above has been linked to the main listed building through later extensions. There is a further single story flat roof extension attached to the western elevation which is proposed for demolition along with later additions to the north and south. The Conservation Officers comments in relation to Block 3 are as follows:

- Of the three buildings, this appears to have the more intensive subdivision and, whilst this isn't the principal Listed Building, this would still cause a moderate-high degree of harm to the significance of the designated heritage asset.
- As above, the annotations mention 'early 20th century fabric to be removed' and it is not clear if these features proposed to be removed are of significance from the floorplans or supporting information.
- Many of the walls in this building have decorative faience or timber panelling, which is an important aspect of Arts & Crafts detailing. Most of the masonry walls are proposed to be lined and overboard with 'insulated plasterboard'. This approach would unlikely be supported from a conservation perspective as the installation of the boardings would likely result in the loss or diminish the appreciation of historic panelling/faience tiles, the thickness of these types of boards would alter the proportions of the rooms and detailing (such as window surrounds and architraves) and the material would unlikely be sympathetic to the traditional construction of the building. As above, many of the annotations are generic stating overhaul of windows, new windows to be double glazed and trickle vents to be installed in all windows. All of which would be unsympathetic to the historic fabric and architectural interest of the building.

Retention of Caretakers Cottage

There is an intention to retain and refurbish the Caretakers cottage which lies to the west of the site and is considered curtilage listed by virtue of its age (late 1930s). It is stated that this dwelling will be unaltered aside from regular repair and refurbishment (i.e. no alterations to the exterior or interior of the building). This is welcomed in principle albeit as discussed below, the development around the Cottage should be more carefully considered.

Detailed application for 43 dwellings

The NPPF sets an expectation for local planning authorities to make appropriate use of tools and processes for assessing and improving the design of development including specific reference to frameworks such as Building for a Healthy Life (BHL). Assessment relates to Integrated Neighbourhoods; Distinctive Places and Streets for all each with four separate sub-categories.

The detailed housing would be towards the north of the site adjacent to the listed and curtilage listed buildings. There would be an area of open space which would form a central focal point and in some respects a buffer between the listed buildings and the new development. It is welcomed

that this open space would be overlooked by principle elevations of the houses creating active frontages.

However, whilst there would be a pedestrian cut through across the open space (in front of Building 3), overall the design is overly focused on vehicular movements with little opportunity for pedestrian or cycle movements other than against the main highway network. There appears to be two separate and distinct blocks of housing (defined as the 'Courtyard' and 'Close' Character areas) which back on to one another with no linkages between (again other than the main road serving vehicular traffic).

It is considered a lost opportunity that the properties along the western boundary would have their backs towards the access road which is shared with the bowls club with seemingly no shortcuts to the western edge of the site. If occupiers of Plot 31 wanted to access facilities at the bowls club for example, they would have to come all the way out of the main access from London Road taking a convoluted loop around when their property is right next to the club. A pedestrian linkage to the shared access would also shorten journey times to the Town Centre which may encourage more sustainable modes of transport (unless there are justifiable reasons why this can't be incorporated – for example land ownership issues).

It is appreciated that there is no intention to create an access from north to south of the site to avoid it becoming a rat run but it is still considered that connectivity for pedestrians and cyclists should be a priority.

Whilst the house type designs do show some elements of dual frontage, namely with ground floor bay windows, this is not wholly successful. Plot 1 for example would be a three storey dwelling with a gable end featuring only secondary windows facing towards retained listed / curtilage listed buildings. More importantly this plot would be one of the first visible features of new development from the access road and does not represent an inviting or welcoming design approach.

In addition, the development around the Caretakers Cottage appears to ignore its presence altogether failing to follow any form of building line. There are other positive features of the site which have not been taken into account in the detailed design of the scheme, namely existing trees (as discussed in further detail below). There are strong linear features of trees (for example trees T16-18; T24-27 and T37-38) which would be almost entirely lost.

Parking provision in terms of quantum will be discussed further below in the highways section but its placement is a relevant design consideration. The Council has adopted a supplementary planning document (SPD) on cycle and vehicular parking. This specifically suggests that for every four parking spaces side by side, there should be a gap of equal width to a parking space forming landscaping between. Plots 1-20 would all have parking spaces in front of their principle elevations creating a street frontage entirely dominated by car parking. The area of open space between these plots would essentially be surrounded by parking spaces which little to no landscaping to break up the spaces.

Whilst the rest of the plots would have their parking spaces to the side of the dwellings predominantly, there are some instances of displaced parking. The instances displaced parking occurs would not be a fundamental issue for a scheme of this size but the issue remains that, as a whole, the layout would be overly car dominated.

It is stated that each property will have space for cycle storage in external gardens but this has not been demonstrated further on the plans (which it should be with any application moving forwards).

In terms of the design of the dwellings themselves, and the choice of materials and boundary treatments, these are generally considered reflective of the local vernacular.

Colleagues in Conservation have offered comment on the development of the site noting that it would be within the setting of listed buildings and partly the designated Conservation Area:

The clearance of modern additions to the school building and demolition of modern outbuildings would be an enhancement to the setting of the Listed Buildings and character and appearance of the Conservation Area as it would better reveal their designed architectural prominence and interest of these school buildings.

The proposed subsequent housing development to the rear would, however, subsume the site and the immediate setting of these listed and curtilage listed buildings. The context of an educational site would be lost with the proposed residential development. The density of dwellings, site layout and formation of the development would be uncharacteristic of this part of Conservation Area.

Notably, the scale, height, and design of the 3-storey dwellings immediately adjacent to the Listed Buildings appear overly cramped and an intensified form of development. These buildings would also look overly dominant immediately adjacent to the caretaker's house. The scale and height of this part of the development would considerably undermine the architectural legibility and hierarchy of the site. In addition, the design for these dwellings would be a pastiche urban form of residential development and would make no reference to the overriding historic architectural interest of Newark.

Boundary treatments for these new dwellings would predominantly be close boarded fencing, which is not particularly sympathetic to the historic context. It is noted that the proposed greenery within the site may somewhat soften the appearance of the proposal, but given the scale of the proposed housing development, this would likely have a minimal impact in reducing the heritage harm.

It is unlikely that the proposal would have an impact on the setting of the Listed Buildings outside the site. There may be some inter-visibility with the bowling green club house (Grade II) but, given there is an intervening modern supermarket building, the impact on the setting of this building would likely be limited.

Overall, this is not an allocated site, and it is not overtly clear from the submission whether these dwellings are to facilitate the conversion of the Listed Buildings. If so, then the procedure of Historic England's 'Enabling Development and Heritage Assets' guidance would need to be followed in terms of the justification.

Outline application for 64 dwellings

Clearly given the outline nature of the remainder of the application, it is difficult to be as perspective in assessment. However, based on the illustrative masterplan it does appear that if those principles were carried forwards, there would again be an overall dominance of car frontages (albeit potentially a better level of pedestrian connectivity). It may be that in order to resolve the

issues identified in respect to the detailed design, the southern half of the site would also need to be fundamentally re-designed.

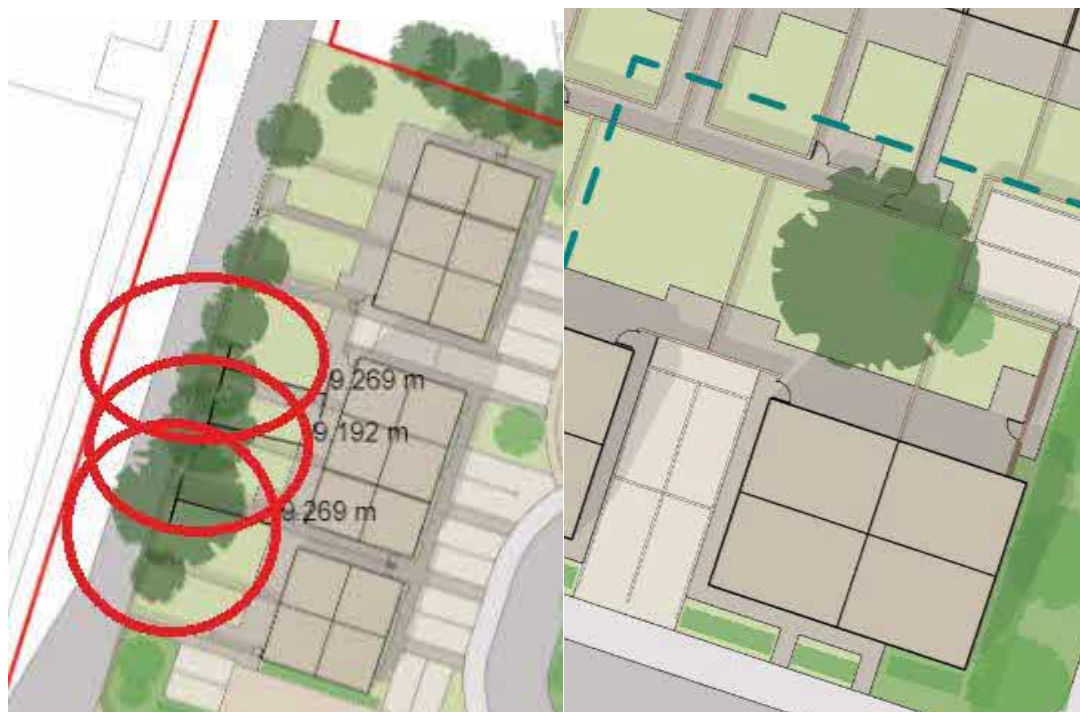
Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The site is covered by a Tree Preservation Order. The Tree Survey submitted with the enquiry has surveyed a total of 73 individual trees and 12 groups of trees. Of these, 7 trees were classed as Category A and 28 trees and one group of trees as Category B.

It is proposed that a total of 30 individual trees and 4 groups of trees would be removed to facilitate the development which would include 12 Category B trees. This would represent a significant visual change to the character of the area with the development seemingly being imposed on the landscape rather than the existing landscape features being incorporated into the landscape. As a general principle, all Category A and B trees should be retained and replacement planting should be provided for the quantum of trees to be removed.

Notwithstanding the above, it appears that even retained trees would conflict with the proposed residential curtilages potentially leading to a desire for their removal in the future. When future growth is taken into account, gardens would be dominated by the trees as set out in the example below. There are other instances where the tree would dominate the gardens even without future growth being taken into account.



The NPPF states at paragraph 131 that planning decisions should ensure that new streets are tree lined. Although there would be some planting against the highway (primarily within the areas of open space) this is not to the degree that it would be considered as tree lined. Overall, the impact

to existing trees is not considered acceptable, a matter which is worsened by a lack of appropriate proposed planting to compensate for tree loss.

A Preliminary Ecological Appraisal Report and Bat Survey have been submitted for consideration. It is stated that overall the site has limited ecological value due to the low diversity of habitats and urban setting but there is some potential to support foraging and commuting bats and nesting birds. The emergence surveys may need to be updated depending on when the application is determined. The presence of four day roosts occupied by individual, or very low numbers of common and widespread species of bats has been identified. These were all identified within Building 5 which is one of the buildings proposed for demolition. Two trees (T1 and T2) were assessed as having 'moderate' and 'low' potential to support roosting bats but have not been included in the report plans – this should be addressed prior to the application submission.

In order to proceed with the demolition of this building, a European Protected Species (EPS) Mitigation licence would be required from Natural England.

When Natural England consider an EPS license application they must consider three 'tests' which court judgements have established must also be considered by a local planning authority as part of the planning process. The 'tests' are:

- the activity is for a certain purpose, for example it's in the public interest to build a new residential development;
- there's no other satisfactory solution that will cause less harm to the species;
- the development does not harm the long-term conservation or survival of any population of the licensed species.

The proposal would meaningfully contribute to the Councils housing delivery in a sustainable settlement which would bring economic and social benefits. It is accepted that the building where the roosts are situated is not suitable for residential conversion and therefore to facilitate the residential delivery of the site it is accepted that this building would need to be demolished. The Ecological Appraisal outlines that the roosts appear to be of low conservation significance, and their loss will not impact significantly on bat populations. Based on the information provided there is nothing to suggest that an EPS licence would not be granted and therefore the presence of the bat roosts on site are not considered to be a barrier to development at this stage.

The NPPF encourages net gains for biodiversity to be sought through planning policies and decisions however this is due to become a mandatory requirement for major developments with legislation expected to come into force in January 2024. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. As a starting point, net gains should be delivered on site but they can be provided off site with justifiable reason. The Ecological Appraisal states the following in respect to Biodiversity Net Gain:

Through a baseline Biodiversity Net Gain calculation, the Site was found to have a pre-development habitat baseline of 19.76 units and a baseline of 2.77 linear units (formed by lines of trees and hedgerows). The final design is calculated to deliver 8.04 habitat units and 6.21 linear units, with a loss of 59.30% of habitat units and 124.47% gain in linear units post-development with trading standards not met. The biodiversity loss is largely attributed to the loss of the overgrown grassland playing field for new dwellings, partially off-set through creation of new open grassland for open space, but due to the small area this is not adequate to fully off-set the loss. Creation of additional

open grassland space was limited by the constraints of the Site, but new lines of trees and hedgerows have been incorporated into the proposal to improve linear vegetative connections across Site for urban birds and bats. Additional off-setting of the biodiversity loss is considered to deliver better gains for ecology when sought off-site rather than additional creation within a highly constrained urban setting.

The relevant documents have been assessed by the Councils Ecology Officer. The full comments have been sent separately but in respect to Habitats and Biodiversity Net Gain can be summarised as follows:

When an application is submitted, the habitats should be assessed against the updated UK HAB classifications and should be updated based on survey work undertaken during the period of May-August (inclusive).

When an application is submitted, the BNG calculations should be made using the current version of Metric available.

A Biodiversity Gain Plan will be required if the application is submitted after the mandatory requirement comes into force.

The off site location of required net gain will need to be addressed within the proposed application and demonstrate how the mitigation hierarchy has been followed.

To summarise, whilst matters of habitats and species are likely to be resolvable, there are significant concerns with the proposed level of tree removal and the likelihood of future pressure to remove the trees outlined as being retained due to the close proximities of the development.

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

It is considered worthy of splitting the various elements of the development in making an amenity assessment.

Conversion of listed / curtilage listed buildings

The government has produced national space standards for housing which set out the required internal space suitable across all tenures. Although the Council have not adopted these standards, they do form a useful tool in assessment of amenity. In respect to the conversion elements of the proposal, there is an intention to preserve as much as the original building fabric as possible. From an amenity perspective this requires careful consideration in order to ensure that the proposed occupiers of the units will be served by rooms of sufficient size and with sufficient natural light.

Block 1 would provide 6 units, all of which would exceed the aforementioned national space standards in terms of their size. Block 2 would create 10 one bed apartments. Out of these, 3 would not conform with the national space standards being deficient by approximately 5m² each. Nevertheless, the layout proposed does appear to be the most logical for the form of the building (which is notably listed) and therefore it wouldn't necessarily be appropriate to resist the application purely based on a nonconformity with national standards. It may be that the units annotated as 2person units (1 bedroom) are only desirable to single persons in which case they would be of more than sufficient size. Block 3 would create 16 units, all but one of which would

meet the national space standards. The only unit that would not satisfy the standards would fall short by less than a metre and therefore would be broadly acceptable in any case.

All habitable rooms would be served by natural light. Although occupiers would have no private outdoor amenity areas, they would be close to public open space within the wider development and a lack of private garden is not uncommon in apartment living.

There is a neighbouring property to the east of the site which is adjacent to the existing Buildings 2 and 3. Noting the previous use of the site, it is unlikely that a residential use even at the level of units proposed would impose greater noise and disturbance than that associated with a school. The proposals create an opportunity for an amenity benefit in that the areas of demolition would be adjacent to the neighbouring property. This would reduce opportunity for direct overlooking between windows.

Building 1 shares a boundary with 20 London Road but the boundary is well established with trees with a side to side distance of over 20m (which would be increased through the proposed demolition).

No fundamental amenity concerns have been identified in respect to the conversion of the existing listed / curtilage listed buildings.

Retention of Caretakers Cottage

The Caretakers Cottage is an existing residential unit on site. As already referenced in the character section above, it is clear that the retention of the Caretakers Cottage was not originally intended with the proposed development around it seemingly not being designed around its presence. The issue with this from an amenity perspective is that the occupiers of the cottage would have their primary outlook completely dominated by the presence of a 3 storey neighbouring property in very close proximity to the boundary. The rear outlook would be towards a side gable approximately 12.5m which would be a broadly acceptable distance. Notwithstanding this, the garden is already compromised by the presence of trees which in some respects would provide screening but the proposed dwellings adjacent would still mean that the occupiers would feel hemmed in by the new development. This would not create an acceptable living environment for the occupiers of the Cottage once refurbished. This element of the proposal would therefore be contrary to Policy DM5.

Detailed application for 43 dwellings

The proposed layout is such that there are limited back to back distances within the site. Where these do exist the distances between the dwellings are over 20m. However, noting that some of the proposed dwellings are three stories, these would benefit in being increased further (to at least 22m) to ensure that the second floor windows do not impose overlooking impacts.

The relationship with the new development and the Caretakers Cottage has already been identified as unacceptable. However, there are other instances where distances and proximities are likely to impose unacceptable overbearing impacts. The occupiers of plot 29 for example would have their principle outlook less than 11m from the side gable of plot 28 (a similar relationship would be created between plots 32 and 34).

Whilst each dwelling would be afforded an area of private amenity space, these do vary significantly in size. Some would be overly modest for the dwelling size once cycle storage / garden sheds are taken into account (plot 20 for example). As already mentioned above, there are also issues with a number of the gardens being overly dominated by trees which would lead to shading and nuisance (and ultimately pressure to remove the trees which would have knock on detrimental issues).

Relationships with existing neighbouring residents bordering the site would appear to be acceptable by virtue of sufficient separation distances.

Notwithstanding that the impacts on existing residents would be acceptable, there are some fundamental amenity issues internally within the detailed element of the proposals which in some instances (particularly around the Caretakers Cottage) would warrant a significant re-design of the plot layouts. In doing so, separation distances and private amenity gardens not being dominated by trees should be carefully considered.

Outline application for 64 dwellings

Clearly without detailed plans it is not possible to undertake a thorough amenity assessment to the outline element of the scheme. General principles of good design should be applied to ensure that dwellings have sufficient separation distances and careful window placement between one another and also existing neighbouring residents.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

It is proposed to access the site through two new accesses, one to the north of the site from London Road and the other from the south from Harewood Avenue. There would be no vehicular access between the two to prevent the site becoming a rat run for traffic and the number of dwellings using the southern access from Harewood Avenue would be limited to 34 (and the existing tennis club).

The access arrangements have been subject to review by Nottinghamshire County Council as the Highways Authority. Their comments, which have been attached separately, raise a number of concerns including some fundamental issues with the trip rate calculations which have been provided to support the enquiry. Further details are also sought for the access geometrics and minor revisions are suggested to the internal layout. These comments should be considered for any revised scheme moving forwards. It is noted that there appears to be some confusion from NCC Highways as to the purpose of the retained tennis club parking and elements of demolition around access widths so this would benefit from being further clarified in any application moving forwards.

The Council has adopted a supplementary planning document (SPD) on residential cycle and car parking standards. For the purposes of assessment against this document, the site is within the 'Inner Newark Parking Zone'. Within this zone, there is a requirement for 1 and 2 bedroom dwellings to have 1 space per dwelling and any dwelling with 3 or more bedrooms to have 2 spaces.

Visitor parking is also encouraged. The document sets out the required dimensions of spaces. Based on the housing mix presented, this would essentially mean that all of the units within the converted buildings require one parking space and all of the new (detailed) dwellings require two parking spaces.

Each of the retained buildings would have a parking area which when combined would be sufficient to the number of units within the proposed conversion scheme. A total of 40 spaces would be provided for 32 units meaning that there would also be potential overspill for visitor parking.

Moving then to the detailed housing element of the proposals, whilst numerically there would be enough spaces (i.e. two per dwelling) there are issues in terms of the size of some of the spaces and more notably their placement. The SPD sets out that single or double spaces should have a width of 3m and a length of 5.5m (the width can be reduced to 2.4m where there are more than 2 spaces in a row). It appears that the proposed spaces have been designed at 2.5m in width meaning that for each occasion where two spaces are together they would fall a metre short of the required width in the SPD.

The bigger issue in terms of parking provision however (which has already been mentioned in the character section above) is that the parking provision would be overly dominant in the street scene. This particularly affects the 'Courtyard' character area of the scheme where there are long lines of parking spaces with little to no space for landscaping. The SPD sets an expectation that for every four parking spaces, there will be an area of landscaping of equal width to a parking space to break up the visual impact of the parking.

The intention for EV parking spaces is welcomed as is the provision for cycle parking albeit as above this should be clearly demonstrated on any plans moving forwards.

Given the outline nature of the development to the south of the site it is not appropriate to fully assess parking provision (and indeed not possible without knowing the size of the units). Notwithstanding this, the principles of the SPD set out above would need to be taken into consideration for any detailed scheme moving forwards.

Overall, there are fundamental issues with the parking placement and the size of spaces to serve the proposed new dwellings which will require consideration in a revised scheme.

Housing Mix and Density

Core Policy 3 (Housing Mix & Density) expects average densities to be no lower than 30 dwellings per hectare. It also seeks to secure housing that meets the needs of the district, namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the disabled and elderly population, but to reflect local need. It also states that such a mix will be dependent on the local circumstances of the site and any localised housing needs information.

Based on a developable site area of roughly 2.65 hectares (discounting areas of open space and the major spine roads), the development of up to 107 residential units (108 if the Caretakers Cottage is included) would deliver a relatively high density of around 40 dwellings per hectare. However, given that a significant proportion of those units would be in the retained converted buildings the slightly higher density is not disputed in principle.

The District Council has commissioned a District wide housing needs assessment which was completed in 2020. The site falls within the Newark sub area where the results identified that the overall housing mix required is primarily for 3 bed houses (30.7%), following by 4 or more bedroom houses (25.5%) and then 1 to 2 bed houses (19.5%). There are also smaller needs including for 1 and 2 or more bedroom flats (4% and 4.9% respectively) which would be relevant to this assessment.

Taking the detailed proposals separately, the proposal would deliver (house types taken from the Needs Survey):

House Type	Total no. of units proposed	% required through Housing Needs Survey	% of detailed planning application
1 to 2 bedroom house	5	19.5	6.7
3 bedroom house	23	30.7	30.7
4 or more bedroom house	20	25.5	26.7
1 bedroom flat	22	4	29.3
2 or more bedroom flat	5	4.9	6.7
1 bedroom bungalow	0	7.4	0
2 bedroom bungalow	0	6.7	0
3 or more bedroom bungalow	0	1.3	0

Where the converted units are set across two floors (for example including the mezzanine floor units in Building 2), they have attributed as a house for the purposes of the above assessment. Compared to the housing needs data, there would be an over reliance on 1 bedroom flats. However, given the site specific circumstances i.e. that these flats are being delivered in retained buildings of historic significance, this in itself is not considered fatal.

In terms of the new development, the provision of 3 and 4 bed units would very closely align with the needs of the survey which is welcomed. However, there is a distinct lack of bungalow accommodation proposed which amounts to a not insignificant 15.4% of the needs in the Newark sub area. Although only indicative, there is no suggestion that the outline scheme to the south would deliver bungalows either.

This is an issue in terms of the proposal meeting the aspirations of Core Policy 3 to a degree that the housing mix should be re-considered to include bungalow provision.

Flood Risk and Drainage

Core Policy 9 (Sustainable Design) provides that development should ‘through its design, proactively manage surface water, where feasible, the use of Sustainable Drainage Systems.’ CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site is within Flood Zone 1 which means that it is at very low risk of flooding from rivers or the sea. However, the Environment Agency also maps other sources of flooding, namely the risk associated with surface water flooding. Whilst areas near the site are at medium to high risk of surface water flooding, these do not affect the site itself. Sequentially therefore, in flood risk terms the site would be appropriate for residential development.

The enquiry has been accompanied by a Flood Risk Assessment and Drainage Strategy. This corresponds with the above in terms of the identification of flood risk and also confirms that there are existing combined water sewers located within the adopted highways to both the north and south of the site. The document also sets out a number of sustainable urban drainage principles confirming that a number of infiltration based methods would be suitable. It is stated that further intrusive site investigation would be required to determine the final infiltration rates which, subject to consultation with Nottinghamshire County Council as the Lead Local Flood Authority could be subject to condition were permission to be forthcoming.

Developer Contributions and Viability

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Given that part of the proposal is in outline form, any associated legal agreement would need to set out a series of formulas to allow the exact contributions to reflect the development as it were to be progressed through reserved matters.

Affordable Housing

Core Policy 1 notes that in seeking to secure 30% of new housing development on qualifying sites as affordable housing, but in doing so will consider the nature of the housing need in the local housing market; the cost of developing the site; and the impact of this on the viability of any proposed scheme.

Paragraph 65 of the NPPF sets a clear expectation that major developments where housing is proposed should provide at least 10% of the total number of homes to be available for home ownership. Paragraph 64 states that in order to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount (equivalent to the existing gross floorspace of the existing buildings but not applying to vacant buildings which have been abandoned which it is accepted is not the case here).

Based on the maximum quantum of 139 residential units, the scheme should be providing a total of 42 affordable dwellings. The Planning Statement submitted with this enquiry calculates that taking account of vacant building credit the revised affordable requirement would be 17 dwellings:

“The existing vacant buildings on site have a combined floor area of 7,204 sqm. The combined total floor space of all the new development on site would be 12,002 sqm (subject to final details being agreed at reserved matters stage). Therefore, the proposals result in an increased floorspace of 4,798 sqm. Applying VBC the revised affordable requirement would 16.7 dwellings or equivalent financial contribution (40%).”

It is accepted that the affordable housing contribution could be reduced by vacant building credit and therefore the affordable housing requirement would be reduced from 42 to 17 dwellings. Notwithstanding this it is presented that due to viability, discussed further below, no affordable units are to be delivered on site.

Community Facilities

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

Any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling could be sought subject to appropriate evidence that this would be required to meet the needs of the development.

For the maximum quantum of development this would total £192,385.73 (index linked to 2016).

The Planning Statement explains that a figure of £1.8million is being presented to re-provide sporting and community facilities. Whilst it is stated that this has been attributed to specific projects, there is a distinct lack of detail to which these projects are.

Primary Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings but would not include the one bed one person apartments. Based on the SPD formula the development would be required to contribute £322,404 towards primary education. However, Nottinghamshire County Council has confirmed that there is a surplus of spaces in the area.

However, their comments confirm that, in line with the NCC Developer Contribution Strategy, a development of this size would yield one pupil requiring a place in a non-mainstream setting. The Council's projections indicate that there is a current shortage of specialist places for pupils with SEND, which is forecast to continue. Therefore, the County Council would seek a SEND education contribution of £95,050 (1 place x £95,050).

In terms of secondary education the development would be covered under CIL regulations, albeit it is zero rated in this location in any event.

Health

For schemes of 65 dwellings or more, or where schemes would place an additional burden on health infrastructure where they are already operating at capacity, a contribution towards health care infrastructure provision would be sought where this can be justified. The consultation response from the NHS has confirmed that all practises in the area are working at capacity and therefore in order to make this development acceptable from a health perspective, a contribution of £136,498 is requested.

Libraires

Where new development generates a need for additional library provision, a contribution may be required. The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development. Based on the quantum of development, solely for stock costs a contribution of Nottinghamshire County Council has requested a contribution of £,4902.

Public Open Space

The expectations regarding the quantum of public open space is broken down into different component parts as follows:

Provision for children and young people

This application would need to make provision for public open space at 18m² per dwelling as set out in the Developer Contributions SPD. Given the size of the site this would be expected on site so should be 2,502m². This appears to be achievable on site based on the indicative layout but no specific details of play equipment have been provide. A scheme of this size should have a Neighbourhood Equipped Area of Play (NEAP). Full open spaces guidance is attached separately which includes recommendations for equipment standards and species selection.

Outdoor Sports Facilities

Notwithstanding the issues surrounding the loss of existing sporting facilities, the development itself is likely to generate demand on sports facilities. As per the SPD, on schemes of over 100 dwellings, contributions of 52.8m² per dwelling are expected. This would amount to 7,339.2m². This would not be achievable on site and therefore a financial contribution of £102.543.08. This figure would be solely attributed to the development itself and not connected to the loss of existing facilities albeit as above it is noted that £1.8million is suggested as a combination to replace sporting and community facilities.

Amenity Open Space

Amenity green space, at a rate of 14.4m² per dwelling should be provided on site in line with the SPD and again this would need to be provided on-site. Again this appears achievable on site based on the indicative layout even when the area of play space is discounted.

Natural and Semi-Natural Green Spaces

Ideally 10 ha should be provided per 1,000 population albeit in recognition of the difficulty achieving that all residents should live within 300m of an area of natural and semi-natural green space. Given the positioning of the site with the urban area with ample green spaces available to the public this is easily achievable and no further contributions are sought in this respect.

Management of Open Space

This Council would be unlikely to want to take on the long term maintenance of the public open space and this would need to be achieved via a management company secured through an appropriate obligation within a section 106 agreement.

Transport

Nottinghamshire County Council have been consulted in respect to potential requirements for contributions to the Strategic Transport network. They have identified that the closest bus stops to the development have been selected for improvements and that a sum of £43,200 should be made to make such improvements. Their justification for this request is included in the comments which have been attached separately. Their comments also make reference to the need for free bus passes to be made available for residents should the development come forwards to application stage.

Contributions Summary

Contribution Type	Requirement based on maximum quantum of 139 dwellings
Affordable Housing	17 dwellings on site
Community Facilities	£192,385.73
Primary Education	£95,050
Health	£136,498
Libraries	£4,902
Provision for children and young people	2,502m ² on site
Outdoor Sports Facilities	£102,543.08
Amenity Open Space	2,001.6m ² on site
Natural and Semi-Natural Green Spaces	N/A
Transport	£43,200
Total Financial Contribution	£574,578.81

Viability Case

Clearly the starting point for any application is that the proposed development would deliver the full suite of contributions considered necessarily attributed to the development. However, in this case, it is noted that a viability case has been advanced from the outset. Based on the analysis within this document, it is concluded that the scheme can only afford £1.8million towards replacement sport and community facilities and no affordable housing (unless the financial figure is reduced).

The document does refer to a required Community Infrastructure Levy but for clarification residential development in the Devon ward of Newark would be zero rated for residential and apartment developments.

The Planning Practice Guidance confirms that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. The Council has appointed an independent viability consultant to review the viability case presented. The details of the viability report have been sent separately but in conclusion the independent consultant has identified an additional surplus of £2.99million taking account of a 20% developer return on market housing and full policy contributions:

The assessment indicates that the development is capable of making full policy contributions of 12% Affordable Housing (taking account of the deduction for vacant building credit) and £760,000 of S106 Contributions

The primary area of dispute between the applicant's viability assessment and the assessment undertaken on behalf of the Council relates to construction cost.

The applicant's cost plan indicates total construction costs of £27,305,830. The Council's assessment based on comparable BCIS cost data calculates construction costs of £19,169,529.

The applicant's overall cost rates equate to £2,255/sqm which is significantly in excess of any comparable local construction cost data and would appear to be over-estimated.

It is considered there is no justification for any further reduction in Affordable Housing or S106 contributions.

Clearly the above is based on the policy contributions set out in the Developer Contributions SPD so any excess could then be presented towards required off site sport provision to account for the loss of existing facilities.

Based on the conclusions of the Council's Independent Viability Consultant, it is not accepted that viability issues should be a constraint to delivering a policy compliant scheme.

Other Matters

Advice has been given from colleagues in Environmental Services in respect to provision for wheeled bins. All properties should be provided with storage capacity for 3 240L wheeled bins but properties with gardens should have provision for 4 and all should be accommodated within the boundary of the property. The distance that residents will be required to travel to waste storage areas from their apartments should not exceed 30m. Further guidance is contained with the separately attached waste and recycling document.

Submission Requirement and Possible Conditions

If you decide to submit an application contrary to the above advice, and subsequently planning permission is granted for your proposal, there could be a number of conditions attached to this grant of planning permission to ensure that the specific details are acceptable. Such conditions will require discharging prior to development commencing. There is a further fee of £116 for non-householder development for each discharge of condition request (each request could cover several conditions) and these usually take up to 8 weeks to process.

You may therefore wish to consider submitting all of the details for the scheme at the time of submitting the initial planning application. I must, however, point out that further conditions could be added to the grant of any planning permission following further examination or consultation, or where additional information comes to light.

With the appropriate fee, the list outlined at paragraph 1.6 of the submitted Planning Statement would be sufficient to validate the application. However, given the outcome of the Viability advice it will be expected that the application is also accompanied by a Draft Head of Terms.

Conclusion

The site is within the Newark Urban area and therefore the residential development of the site is acceptable in principle.

However, the site is subject to numerous constraints which based on the form of development presented at this stage would likely to the refusal of planning permission.

Although vacant, the site includes playing fields which are protected by Spatial Policy 8 and the intentions of the NPPF. The proposal currently does not meet the requirements of Spatial Policy 8 or the NPPF as it does not adequately demonstrate (with appropriate specific evidence) that the playing fields to be lost would be replaced prior to commencement of development by a new area of playing field of equivalent or better quality, equivalent or better quantity and in a suitable location, and subject to equivalent or better accessibility and management arrangements.

The site has heritage assets in the form of listed buildings; curtilage listed buildings and being within the designated Conservation Area. Overall, the proposed development would result in high level of harm to the setting and significance of the listed and curtilage listed building and minor moderate level of harm to the overall character and appearance of the conservation area. This would be contrary to s.16, 66 and 72 of the Act. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage assets but at the higher end for the Listed Building (par.202 of NPPF and policy DM9 of the local development framework).

From the supporting information, there does not appear to be clear and convincing justification for this level of heritage harm (par.200 of NPPF), notably the scale of new development and intensive subdivision/possible loss of features of the Listed Buildings. The enhancements secured by the scheme, such as the removal of inappropriate modern additions, are minor and would unlikely outweigh the level of heritage harm arising from the proposed development. It is recognised that a new use may need to be found for the Listed Buildings at the front of the site to sustain them for future generations. However, it has not been clearly demonstrated that this is the optimum viable use for the building i.e. the one that causes the least harm to the significance of the asset (par.15 of the NPPG).

The above assessment has outlined a number of issues with the proposed detailed design of the scheme (noting that part of the development would be at outline stage only). These include, but are not limited to, a lack of consideration for the existing tree specimens on site, some of which are of high quality. There are also issues in terms of car parking being the dominating factor within the street scene; a lack of bungalow accommodation and some compromised amenity relationships. NCC Highways have raised concerns with the proposed access and parking provisions.

Whilst a viability case has been presented, the Councils independent review of this case suggests that the development could secure the necessary contributions for a development of this scale and therefore the conclusions of the viability case are disputed.

The housing delivery associated with the proposals are noted and would weigh positively in the overall planning balance, it is also likely that, subject to conditions / legal agreement, other material considerations such as ecology and drainage are likely to be acceptable. Nevertheless, these factors would by no means be sufficient to overcome the other aspects of harm which have been identified and on this basis it is likely that the proposal would be refused.

Please note that any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation and ultimately decided by the Council. It should be noted that subsequent alterations to local, regional and national policies may affect the advice given. Furthermore, caution should be exercised in respect of pre-application advice for schemes that are not submitted within a 12 month period of the date of the Council's advice letter.

Please be assured that I am here to provide any support that I am able to in order to secure high quality development in the district. Therefore, if I can offer further assistance or if you would like to discuss the contents of this letter further, please do not hesitate to contact me using the details provided.

Yours sincerely



Laura Gardner
Senior Planner
Planning Development