

## ITEM SUBJECT OF A SITE VISIT

<b>Application Ref.</b>	23/00272/COU
<b>Application Type</b>	Change of Use
<b>Site Address</b>	The Regal Centre, Carlton Road, Worksop.
<b>Proposal</b>	Change of Use Including External Alterations to form 21 Residential Apartments with Associated Communal and Ancillary Facilities
<b>Case Officer</b>	Jamie Elliott
<b>Recommendation</b>	Grant Conditonal Consent
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

### THE APPLICATION

#### SITE CONTEXT

The building in question was originally designed in 1924 as an assembly room for the Miners Welfare. The building's use as a cinema commenced in 1929, and opened in 1933 as the Regal Cinema.

In the 1990s, the building, then in the ownership of Bassetlaw District Council, was again renamed, this time as the "Regal Centre", offering live theatre performance and music practice spaces.

The building closed around 2014 and is in poor condition due to repeated vandalism in the past decade.

The building is included in the Council's 'Heritage at Risk Register' in 2022.

The application site is located within the Worksop Development Boundary.

The former Regal Centre is within the Worksop Conservation Area and is regarded as a building that contributes positively to the Conservation Area's character and appearance (as identified in the Worksop Conservation Area Appraisal & Management Plan.

The site is also in the setting of a range of Listed Buildings, including 36-38 Carlton Road (grade II).

#### PROPOSAL

The scheme seeks full planning permission for the conversion of the existing buildings to 21 residential apartments.

6 apartments are proposed on the ground floor consisting of 1 no. 3 bedroom apartment, 3 no. 2 bedroom apartments and 2 no. 1 bedroom apartments.

7 apartments are proposed on the first floor consisting of 3 no. 2 bedroom apartments and 4 no. 1 bedroom apartments.

8 apartments are proposed on the second floor consisting of 4 no. 2 bedroom apartments and 4 no. 1 bedroom apartments.

Supporting facilities in the form of a communal reception, gym and cycle store and bin store would be located on the ground floor, with the first and second floors providing 7 individual office spaces. These facilities would be for the use of residents only and would not be open to the general public. Storage lockers allocated to specific apartments would be accessible from communal corridors.

All apartments would be accessible through the retained frontage entrance from Carlton Road, with steps up to the main entrance hall leading to a communal hall, reception and post room. Flat 1, located across two floors, would also be accessible via a separate entrance from the rear side entrance on the southern elevation.

Access to the site will be primarily by foot or bicycle, with secure cycle storage being provided, accessed externally from the side passageway, and internally from a communal corridor.

The building has usage rights over the adjacent Miners' Welfare car park such that occupants of the building will be able to park within it. The applicant indicates that vehicular access for loading and unloading is also available by way of the adjacent car park and side passageway.

The main alterations externally would be the replacement of existing, and installation of new, windows throughout the building.

Following comments received from the district conservation officer, the application has been amended to retain existing windows and to incorporate vertical 1' over 1' sash windows on the building's façade.

The applicant's agents have submitted a number of supporting documents which include:

Design and Access Statement  
Planning Statement and Heritage Impact Assessment  
Transport Assessment  
Phase 1 and 2 Geotechnical Site Investigation  
Planning Renders (Artists/Architectural Impressions).

All these documents are available for inspection on-line or within the Council's offices.

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the

development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted 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.

The following paragraphs of the framework are applicable to this development:

Para 7 – Achieving sustainable development

Para 8 – Three strands to sustainable development

Para 10 – Presumption in favour of sustainable development

Para 11 – Decision making

Para 12 – Development plan as the starting point for decision making

Para 33 – Strategic policies in development plans should be reviewed every 5 years.

Para 38 – Decision making should be done in a positive way.

Para 55 – Planning conditions to be kept to a minimum and to meet the tests.

Para 56 – Planning obligations

Para 59 – Councils to boost housing supply

Para 61 – Meeting housing need

Para 73 & 74 – All Councils to have a minimum 5 year supply of housing to meet demand.

Para 91 – Planning to achieve healthy, safe and inclusive communities.

Para 94 – Provision of sufficient school places

Para 96 – provision of high quality open space and opportunities for sport and physical activity.

Para 108 – 110 – Highway safety

Para 117 – Making effective use of land

Para 124 – Good design is a key aspect of sustainable development.

Para 127 – Development should reflect local characteristics.

Para 130 – Poor design should be refused permission.

Para 155 – Inappropriate development at risk of flooding should be avoided by directing development to parcels of land at less risk of flooding.

Para 163 – New development must not increase the risk of flooding elsewhere.

Para 170 - Decisions should contribute to protecting and enhancing the natural and local environment.

Para 178 – Planning and pollution

Para 180 - Development and its effect on health.

Para 190 – Assessing the significance of a heritage asset

## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

### **Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS2 - Worksop
- DM4 - Design & character
- DM5 – Housing Mix and Density
- DM8 – The Historic Environment
- DM9 - Delivering open space and sports facilities
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

### **RELEVANT PLANNING HISTORY**

02/06/00055 - Planning permission granted to construct new entrance to provide disabled access to existing building, carry out internal alterations to provide new training kitchen and enhanced toilet facilities. April 2006.

02/94/00088 - Planning permission granted for installation of perforated security shutter to front entrance. June 1994.

02/85/00116 - Planning permission granted for extension and alterations to cinema and flat. June 1985.

### **SUMMARY OF CONSULTATION RESPONSES**

Nottinghamshire County Council Planning Policy

#### *Minerals and Waste*

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.

*Transport and Travel Services.*

Transport and Travel Services have no comments to make and are not requesting any Planning Obligations/Planning Conditions in respect of this application.

### *Education.*

#### *Primary*

Based on current pupil projection data there is a projected surplus of places in the planning area and the impact of the development alone would not lead to a deficit in provision. At this time, it is not anticipated that the County Council would seek a primary education contribution.

#### *Secondary*

Based on current pupil projection data there is forecasted to be insufficient places in the planning area to accommodate the additional pupils that would be generated by this proposal. The delivery of additional secondary education provision within Worksop will be funded through the District Council's Community Infrastructure Levy (CIL).

#### *Emergency Planning*

The application lacks sufficient detail in relation to the parking arrangements with the "Miners Welfare Car Park". The application does not give any detail as to the ownership of this car park site or if any long term agreement (such as a lease or covenant) is in place. This poses a significant risk that rights to park within this car park could be withdrawn at any time and with little or no notice. This would be at serious detriment to the overall development and residents.

The Emergency Planning team notes that the car park is currently operating as a public Pay & Display and there appears to be no cap set as to the use of the car park by the public or guarantee of access to space within the car park for use by residents of the proposed development. The application fails to mention the capacity of the Miners Welfare car park and other users (which there clearly are) of the car park and what percentage of the available parking would be available for residents or visitors of the proposed development.

There is an assumption that there would be sufficient parking at all times within this car park and without knowing more details about usage, suitability of this parking provision for the proposed development cannot adequately be assessed. This may result in the car park exceeding maximum capacity at certain times of day or different days of the week, which would depend on what use/activity the rest of the car park is primarily providing parking for.

There is a risk that this could lead to conflict between the existing users and residents/visitors of the new development, with demand for parking exceeding capacity of the car park. The Emergency Planning team have raised parking as a concern, as the issues with the Miners Welfare car park would undoubtedly lead to an increase in on-street parking. The Emergency Planning team concern is the lack of alternative parking, either as there is no available on street parking between the hours of 0800-1800Hrs on a daily basis on Carlton Road and the nearby Gateford Road has no waiting at any time.

The Emergency Planning team believe that the lack of side roads with alternative parking would lead to contravention of no waiting and no loading restrictions in the immediate vicinity of the development. Illegal parking in the vicinity of this development would pose a risk to traffic and emergency services passing along the primary A60 route. This is the main route between Worksop Town Centre and Bassetlaw District hospital which has an A&E department. The

Emergency Planning team second concern is that displacement of excess parked vehicles from the car park onto the Carlton Road, may well hinder access of emergency vehicles in dealing with an incident within the proposed development. As a multi occupancy development this clearly needs to be considered.

#### Nottinghamshire County Council Highways

The Design and Access Statement confirms that the main pedestrian entrance to the development will be from Carlton Road except for flat 1 which will have a separate pedestrian entrance on the southern elevation adjacent the Miners Welfare car park. Cycle storage would be accessed from the side passageway which is adjacent the northern elevation. The passageway would also provide access to a bin store proposed at the rear of the building and provides the fire exit route. Vehicular access for loading and unloading is proposed from the passageway and the Miners Welfare car park which is suggested to be also available for residents' car parking.

The D&AS confirms that the building has usage rights over the adjacent Miners' Welfare car park that allows residents to park within it. It is not clear whether that is on the current Pay & Display basis or by way of a legal agreement or covenant. Neither the car park nor the passageway are within the planning application area. In accordance with Ministry of Housing, Communities & Local Government Guidance on Making a Planning Application, Paragraph: 024, the location plan should include all land necessary to carry out the proposed development (e.g., land required for access to the site from a public highway, car parking, and open areas around buildings).

As proposed, the ability to load and unload bulky goods from the car park would only likely benefit flat 1 being the only flat with direct access to the car park. Loading and unloading from Carlton Road outside of the 8.15 to 9.30am and 4 to 6pm loading ban or the passageway which provides level ground floor access is likely to be favoured by most people.

The passageway provides insufficient space for vehicles to manoeuvre such that access and egress can be achieved in a forward direction. It is also likely to be shared with the adjacent shop and flats. An increase in vehicles reversing to and from the passageway is likely to result in vehicle conflict and conflict with pedestrians to the detriment of highway safety.

It is unlikely that vehicles could be prevented from using the passageway if shared with the adjacent development. However, if the external fire doors are not accessible from the outside, they would be less likely to be used unless in the case of an emergency which would deter loading and unloading from that side of the building.

The pedestrian access arrangements to the bin store and cycle access would need to be reviewed so that would remain possible.

The reduction in the potential to load and unload from the passageway would be likely to materially increase the occasions when vehicles stop on Carlton Road to service the development with the potential to regularly disrupt the free flow of traffic including bus services.

However, the Planning Statement confirms that there is a secondary entrance to the rear of the building. The existing and proposed plans do not detail an entrance into the building from the rear. The bin store is located at the western end of the passageway towards the rear of the

building. It would not be appropriate for multiple bins to be left out on Carlton Road as these would likely cause a hazard.

#### Bassetlaw District Council Conservation

No objections in principle.

#### Bassetlaw District Council Environmental Health

No objections subject to conditions securing:

1. Electric Vehicle (EV) charging points;
2. Noise attenuation measures.

#### Bassetlaw District Council Parks and Open Space

The following contributions are normally required to provide play equipment:

- Play equipped area of 400sqm would result in a contribution of £80,000 (based on providing 5 pieces of equipment).
- As the proposed development should provide 63.42sqm (based on 21 dwellings), an off-site contribution of £ will be required.

Therefore, a contribution of £12,684.00 for improvements to our nearest existing facilities at Sandy Lane off Gladstone Street in Worksop, should be secured.

#### Lincolnshire County Council Archaeology

There is unlikely to be an impact to significant buried archaeological remains as previously stated, however the alterations to the building will constitute a significant change to its character and purpose from previous uses. It will also likely secure the building's future which is currently falling into a state of ruin. Given the building's communal heritage value and historic connection to mining in the area, it would be reasonable to require the applicant to commission an Historic Building Recording to record the surviving elements of the building and bring this together with its historic development from original construction to its current state. The resulting report would form a permanent record prior to the removal of any legibility of its historic use by the proposed development.

#### Severn Trent Water

No objections subject to a conditions securing a scheme for the disposal of foul and surface water.

#### Theatres Trust

Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015.

We acknowledge the Acorn Theatre opening in 2006 may also have negatively impacted the Regal. The building has been vacant since that time. The Regal can be considered a non-designated heritage asset, although it has visibly suffered from deterioration externally. Internally the few images included with the application appear to show the building in

reasonable condition with little change from those we have available taken prior to its 2013 closure.

Paragraph 93 of the NPPF (2021) seeks planning decisions to guard against the unnecessary loss of facilities. Emerging Policy CS 5.3 of the Bassetlaw Local Plan 2020-2038, which carries significant weight having undergone examination, resists the loss of community facilities unless it is demonstrated they are no longer required in their current use and are not suitable for alternative community uses. Part 4 dictates this should be detailed with robust evidence including marketing over a period of twelve months. Whilst we recognise there is other theatre and cinema provision in Worksop at the Acorn Theatre and Savoy Cinema, the Regal served a wider function and benefits from being equipped with a fly tower and a larger capacity particularly if the original volume were to be re-established. This could provide the town with a different offer if need and operator interest exist, or lend itself to other community/cultural/social functions or more sensitive alternatives than residential use.

The applicant has stated that the Regal struggled to maintain viability, but there is no evidence or marketing information to substantiate this or demonstrate lack of interest. Neither is there any appraisal of alternative uses which might be more compatible with this building's function and built form. Residential conversions are not necessarily optimum uses of deep footprint buildings such as the Regal and this is demonstrated by the number of single-aspect units. Although the appropriateness of living conditions is ultimately a matter for the Council to determine, we do recommend that appropriate marketing evidence and information sought by policy is requested. This would demonstrate to our satisfaction this facility is surplus to requirements for continued cultural or community use. We would otherwise object to the granting of planning permission.

It is possible, based on other similar conversions around that time, that behind the 1970s subdivision original fabric and features may remain concealed. The original plan form would likely also be readable. This should be investigated prior to any internal works being carried out. We in any case urge inclusion of a written and photographic historic recording report should permission be granted. This is so that the interest and significance of the Regal can be documented for the benefit of future generations. Care should also be taken to ensure sensitive treatment of the front façade.

## **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice and 1 Letter has been received from a Local Resident objecting to the development on the following grounds:

1. Would result in the destruction of a historic landmark;
2. There is no demand for apartments;
3. The development is profit motivated;
4. Will be of no benefit for the town.

A letter has been received from the owner of the adjacent property objecting to the development on the following grounds:

1. The adjacent property 33 Carlton Road is occupied by an existing business and 3 leased flats;



2. The northern access between the properties is in the ownership of 33 Carlton Road, and only pedestrian access is permissible to the former regal building;
3. The access can only be used by vehicles of the existing business;
4. The developer has not discussed the proposed development with the adjacent owner;
5. The developer has no permission to move wheelie bins over this access;
6. Communal waste bins would not pass through the side gate;
7. The development could result in the need for 63 bins;
8. To carry out the works, scaffolding would need to be sited on the adjacent property and no such permission has been granted;
9. Development could result in the need for 42 parking spaces when there are none available.

The following comments have been received from a District Councillor:

Regarding the conversion of the Regal Centre to 21 Residential Apartments' I have read the Comments from the Conversion Officer and I agree with all his comments and his requests for conditions on the development. I would also request that any parts of the use of the Regal as a Cinema/ Miners Welfare are listed and saved in the Bassetlaw Museum. The Regal is part of the History of Worksop and deserves to be treated with care & dignity.

## **CONSIDERATION OF PLANNING ISSUES**

### **PRINCIPLE OF THE DEVELOPMENT**

Paragraph 12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making.

Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the development proposal would address a shortfall in the District's five-year housing supply or its employment land supply.

Policy CS2 of the Bassetlaw Local Development Framework states that development in Worksop will be expected to contribute to the town's role as the District's Sub-Regional Centre, making both qualitative and quantitative improvements to the housing, employment, retail and leisure offer, as well as enhancing the built and natural environment and protecting and enhancing the town centre as a retail and leisure destination.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it. In this situation, paragraph 213 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework. The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and it does not have any new site allocations in it and as such it restricts the delivery of new development which is out of step with the growth that is expected to be delivered as identified in the NPPF. As such, the weight given to policy CS1 has to be reduced.

The site lies within the Worksop development boundary and whilst this proposal would be in compliance with Policy CS1 of the Core Strategy, part d) of paragraph 11 of the NPPF is engaged as Policy CS1 is considered to carry limited weight in the decision making process. Therefore this application must be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

In such circumstances the presumption is in favour of sustainable development means that development should be granted unless consequent adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

In relation to the supply of housing, the NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraphs 74 & 75). For sites to be considered deliverable: they have to be available; suitable; achievable and viable. Under the requirements of the NPPF, the Council can demonstrate 13.5 years' worth of housing and as such, a deliverable 5 years supply of housing can be achieved. The fact that the Council has a 5 year supply will be given weight and considered as part of all of the relevant material considerations in the tilted balance test assessment to this scheme.

Having regards to the overall policy position as outlined above and the fact that the tilted balance test in paragraph 11 of the NPPF applies, consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

## **SUSTAINABILITY OF THE DEVELOPMENT**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

The settlement of Worksop is defined as a Sub-Regional Centre in the Core Strategy where the settlement is expected to be a focus for major housing, employment and town centre retail growth which is commensurate with its status as the primary town in the district. The erection of up to 21 new apartments would make a significant and positive contribution to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site and the on-going contribution to the local economy both in terms of employment, spending and service usage from the creation of 21 additional households in the area.

## **HERITAGE MATTERS**

Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 state that special regard should be given to the desirability of preserving the setting of listed

Policy DM8 of the Bassetlaw Local Development Framework states that the historic environment shall be protected and enhanced to secure its long term future and that any development that would be detrimental to the significance of the heritage asset or its setting, will not be supported. This is reiterated in paragraph 200 of Part 16 of the National Planning Policy Framework, which states that any harm to or loss of the significance of heritage assets should require clear and convincing justification.

The former Regal Centre is within the Worksop Conservation Area (last designated April 2011) and is regarded as a building that contributes positively to the Conservation Area's character and appearance (as identified in the Worksop Conservation Area Appraisal & Management Plan, approved April 2011). The site is also in the setting of a range of Listed Buildings, including 36-38 Carlton Road (grade II). The building comprises 2 main elements: a late-1830s former townhouse, and the 1920s former Miners Welfare Assembly Room.

### *Overview of proposal*

The scheme would see the present building range converted to form 21 residential apartments. The main alteration externally would be the replacement of existing, and installation of new, windows throughout the building.

### *Principle of residential conversion*

Whilst the internal partition of the building to create apartments would erode the internal significance of the former assembly room and cinema spaces, it is acknowledged that the building's present condition means that a residential conversion is likely the only financially viable use given the costs of repair. Therefore, the principle of a residential conversion is supported from a heritage perspective. A programme of historic recording, secured by an appropriately worded condition, will ensure the remaining historic and architectural significance of the building and its interior are captured and recorded appropriately.

### *External changes*

The proposal would see all existing windows and doors replaced with PVC units. No specifications have been provided for these. Standard PVC storm-proofed units would not be supported as these would likely fail to preserve the character of the building and wider Conservation Area, so a suitable worded condition should be imposed to secure the details should planning permission be granted. The south (car park side) elevation would see a number of new window openings provided. The full-height openings in the building, currently boarded over, would be retained although partially infilled with timber cladding. This would help to preserve the integrity of those openings. Subject to suitable window types and cladding finishes, this element of the proposal is considered to be appropriate. The amended drawings now show the existing circular opening being retained, thereby safeguarding this architectural feature.

The main stair window to the right of the south elevation is a somewhat ornate feature with coloured leaded glazing. Whilst its condition is not currently known, on last inspection (in 2014) this was considered in good order, although boarded over. A condition is therefore required to secure details of either a repaired window, or a replacement windows of a suitable design.

With regard to the front elevation of the building, the re-use of the existing Tudor hood moulds is welcomed. These were originally over window openings (albeit 3-part mullion casements), so their re-use would help to better reveal the façade's significance.

The front of the former townhouse currently has standard storm-proofed white PVC casements, which very much detracts from the building's historic character. It is proposed to replace these with sash windows on this elevation and this better reflects the age of this part of the building.

Therefore subject to conditions securing the appropriate and sympathetic works, it is considered that the character and appearance of the Conservation Area and setting of nearby Listed Buildings would be preserved.

Accordingly if permitted the development would comply with the provisions of the policies and guidance outlined above.

### **DESIGN, LAYOUT & VISUAL AMENITY**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state that permission should be refused for development of poor design (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

As outlined above, within the Heritage Matters section of this report, it is considered that the proposed scheme for conversion would retain the character and appearance of the existing building and would be sympathetic to and in-keeping with the character and setting of the conservation and the street scene in general.

Accordingly it is considered that the change of the use of the building in question would have no adverse visual impacts and would therefore comply with the provisions of the policies and guidance outlined above.

## **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

In addition, the District Council's 'Successful Places' Supplementary Planning Document also states that new flats/apartments should normally have a minimum outdoor amenity space of 25m<sup>2</sup> per flat. A development of 21 apartments would therefore require a minimum amenity area of 525m<sup>2</sup>.

As only flat 6 would be provided with an outdoor amenity area, the scheme as proposed would fail to satisfy the requirements of the above guidance.

Whilst this would fall short of the prescribed minimum standard for shared outdoor space, it is considered that as the site lies with immediate access to the town centre and associated amenities, full compliance with the above guidance could not be wholly justified in this instance. Consideration must also be given to securing the optimum use of this prominently positioned building that makes a positive contribution to the surrounding Conservation Area.

When considering applications for prior approval to change the use of buildings to dwellings, the Government has amended the classes of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to require that local planning authorities must consider the provision of adequate natural light to all habitable rooms.

The Government has also amended the Order to ensure that new homes delivered through permitted development rights meet the Nationally Prescribed Space Standards, to ensure suitable living conditions for future occupiers. The required space standards are 37m<sup>2</sup> for a one bedroom apartment, 61m<sup>2</sup> for a two bedroom apartment and 74m<sup>2</sup> for a three bedroom.

When considering the current application in light of the above matters it is considered that the occupiers of the 21 apartments would be provided with both, the appropriate levels of living space and natural light to principle rooms. All the apartments proposed either meet or exceed

the floorspace standards set out within the Government's guidance and it is therefore considered that each apartment would therefore provide future occupiers with an acceptable level of residential amenity.

The converted building would include a communal reception, gym and cycle store and bin store to the ground floor, with the first and second floors providing 7 individual office spaces with storage areas for residents also being provided. These facilities would be for the use of residents only and would not be open to the general public. It is considered that whilst the development wouldn't provide any outdoor amenity areas the proposal would provide residents with a good level of residential amenity within the building itself.

The District Council's Environmental Health Team has also recommended that sound attenuation measures are incorporated into the development in order to mitigate any impact of external noise on future occupiers. It is therefore recommended that a condition be imposed on any subsequent permission requiring the incorporation of noise attenuation measures into the scheme.

In addition to the above it is considered that the development would have no significant adverse impacts on the amenities of existing dwellings/ flats, in terms of overlooking or loss of privacy.

Accordingly it is considered that the development would largely comply with the provisions of the policies outlined above.

## **HIGHWAYS MATTERS**

Paragraph 108 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 109 of the NPPF makes it clear that 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.

Paragraph 91 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 108 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 110b of the NPPF requires schemes to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Paragraph 110e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. As with mobility vehicles, there are currently no County standards on what provision developers must provide as part of their schemes, but this is to change soon as the County is working on such a policy and has considered it to be appropriate to request provision here in line with the requirements of paragraph 110e of the NPPF.

Whilst not within the application site, the submitted Planning Statement indicates that the property has use rights over the adjacent car park that is also used by the Miners' Welfare.

Occupants of the apartments would therefore have the ability to park in that car park. In addition it states that given the site's location, it is expected that the majority of trips would be undertaken on foot or sustainable modes of transports.

The Local Highways Authority and the County Council's Emergency Planning Team have raised concerns in respect to ownership and use of the adjacent Miners Welfare car park. In particular, no details have been provided as to the ownership of this car park site or if any long term agreement (such as a lease or covenant) is in place. It is argued that this poses a significant risk that the rights to park within this car park could be withdrawn at any time with little or no notice. It is argued therefore that this could lead to on-street parking and congestion on a main arterial route, to the detriment to the highway safety. Therefore it is considered that this car park is not available for occupiers of the proposed development to use.

In addition as the site has no dedicated or guaranteed servicing areas, concern has been expressed that delivery and servicing activities would be likely to take place on the highway again causing disruption to the free flow of traffic on Carlton Road.

Notwithstanding the above, the site is considered to be highly sustainable as it is within close proximity to the services and facilities in the town centre, very close to existing bus stops on Carlton Road and should the residents need to travel further afield, the Worksop Railway station is also a short walk from the site. As such it is considered that car ownership would not be necessary for the residents of the flats to access local services and employment opportunities. Furthermore, Carlton Road is subject to Traffic Regulation Orders which prevent on-street car parking and ensure the free flow of traffic along the highway. It is therefore considered unreasonable to insist on a dedicated parking area for occupiers of the flats in this highly sustainable location.

In addition to the above, it is considered that objections to the development on the basis of on-street parking and congestion could not be sustained in this instance, particularly as Carlton Road is subject to the previously mentioned traffic control measures (double and single yellow lines). This would ensure that on-street parking only takes place in accordance with the prescribed highways regulations.

In addition to the above, the Highways Authority have raised concerns that the storage of wheelie bins on the site frontage whilst waiting collection, would be likely to result in an obstruction of the highway.

It is considered therefore to avoid such a scenario, a condition should be imposed on any subsequent permission requiring the submission and implementation of a refuse management plan. This would ensure that the refuse from the development would be disposed of and collected in an approved manner.

## **FLOODING/DRAINAGE**

The NPPF at paragraph 155 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 163 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

Severn Trent Water have indicated that subject to the means of foul and surface water disposal being secured by condition, the development would have no adverse drainage implications.

Accordingly subject to securing the prior submission and implementation of a surface and foul water strategy, the development would comply with the provisions of the policies and guidance outlined above.

## **ECOLOGY**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Government's Consultation response on Biodiversity Net Gain has been published in February 2023 and makes clear that exemptions for the assessment and delivery of Biodiversity Net Gain will be made in the following instances:

- Development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- Householder applications



- Biodiversity gain sites (where habitats are being enhanced for wildlife)
- Small scale self-build and custom housing

This is subject to change should any secondary legislation or further supplementary guidance be published by the Government.

Whilst no Ecological Appraisal has been submitted in support of the application, it is considered that the buildings and site would be of limited ecological value given their nature. Notwithstanding the above it is considered that a bat survey should be undertaken before development commences, in order to ensure that the works are carried in a way that mitigates any impact on any identified bat habitat.

With regard to the creation of new habitats, it is recommended that further conditions are applied to any subsequent permission securing ecological enhancements in the form of integral bird and bat boxes.

It is considered therefore that subject to condition securing the above mitigation and enhancement measures, the development would comply with the aims and provisions of the policies and guidance outlined above.

## **ARCHAEOLOGY**

Para 197 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. Paragraph 199 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

The council's Archaeological Consultant has indicated that that the development would be unlikely to have an impact on buried archaeological remains. Notwithstanding the above, given the building's communal heritage value and historic connection to mining in the area, it would be reasonable to require the applicant to commission an Historic Building Recording to record the surviving elements of the building and bring this together with its historic development from original construction to its current state. The resulting report would form a permanent record prior to the removal of any legibility of its historic use by the proposed development.

Therefore subject to securing an appropriate level of historic building recording it is considered that the development would comply with the provisions of the policies and guidance outlined above.

## **AFFORDABLE HOUSING.**

Paragraph 56 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms. Paragraph 61 requires that councils plan to deliver a wide choice of housing to meet local needs and this includes the provision of affordable housing.

Policy CS2 of the Bassetlaw Local Development Framework states that all housing development resulting in a net gain of one or more units, will be required to contribute towards the achievement of an affordable housing target of at least 15% for Worksop.

Paragraph 64 of the NPPF gives Councils the ability to reduce the amount of affordable housing that is required in lieu of bringing vacant buildings back into use stating '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'. Planning Practice Guidance goes on to state 'Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, 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 which will be sought. Affordable housing contributions may be required for any increase in floorspace'.

Having regard to National Planning Policy, it is not required to deliver any affordable housing within the scheme.

Notwithstanding the above, it is considered that the provision of affordable housing in such development would give rise to the issues of viability, reducing the likelihood of delivering the redevelopment of this vacant and visually important building in the Worksop Conservation area.

Accordingly it is considered that the development would comply with the provisions of the policies and guidance outlined above.

## **INFRASTRUCTURE/CONTRIBUTIONS**

Paragraph 57 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms. Paragraph 61 requires that Council's plan to deliver a wide choice of housing to meet local needs and this includes the provision of affordable housing.

Paragraph 95 of the NPPF makes it clear that it is important that there are sufficient school places to meet the needs of existing and new communities and that council's should proactively work with school providers to resolve key planning issues relating to development. Paragraph 98 emphasises that access to high quality open space and opportunities for sport and physical activity is important and this is a consideration in determining planning applications.

The scheme as submitted will provide the following requirements in line with the NPPF requirements outlined above:

- £12,684.00 Contribution for the improvements of nearby public open space.

It is considered that this contribution is required to mitigate the impact of the development, particularly as the proposal does not include private outdoor amenity space and residents are therefore more likely to use nearby public open spaces on a regular basis.

## **LOSS OF THEATRE/ COMMUNITY FACILITIES**

Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The Theatres Trust has raised concerns with regard to the loss of the theatre and in particular the potential of finding alternative uses that would be contribute to the Town's community / cultural / social offer.

The Regal was equipped with CinemaScope projection system in July 1954 and in 1972 was converted into a 3-screen cinema seating 105, 153 and 84. The building was taken over by an independent company in the early 1980s but closed in 1984. It re-opened as the Regal Centre in 1985 offering both live theatre and cinema.

Renamed the Sound Wave Arts Centre in 2012, it closed in 2013 and has since been vacant.

The building is identified as CA16 in the 'Building at Risk' register stating that it has been largely derelict since around 2010 and deteriorating due to vandalism of roof and interior.

Therefore, whilst the proposed conversion would result in the loss of a theatre/cinema, the re-purposing of the buildings and finding an alternative use to ensure their preservation should take priority.

On balance therefore, it is considered that the loss of a vacant community / leisure facility and its re-development into 21 apartments would be an acceptable alternative to the building's continued deterioration and ultimate loss. The significant length of time that the building has remained vacant also leads to the conclusion that a guaranteed re-purposing and retention of the buildings should be considered as a matter of urgency.

In addition to the above it is also important to note that alternative purpose-built arts facilities have been provided elsewhere within the town, including the Savoy cinema, which opened in March 2012, and The Acorn Theatre, which opened in 2006.

Both these facilities are well-used and have car parking provision in close proximity. As such following the change of use of 'the Regal', theatre and cinema facilities will still be available for the residents of Worksop.

On balance therefore it is considered that the development would comply with the aims of the guidance outlined above.

## **RIGHTS OF ACCESS**

An adjacent landowner has raised concerns in respect to the use of the access located on the northern boundary of the application site and the potential for the development to block the access for the adjacent retail unit.

The adjacent owner does however acknowledge that whilst the occupiers / owners of 'the Regal' do not have vehicular rights, they do have pedestrian rights of way over the access.

As use of this access would be principally for accessing the bin stores servicing the development and does not propose any vehicular parking on this access, the development would be unlikely to conflict with the rights of the adjacent land owner. Ultimately the issues of rights of access over land would be a separate legal matter between the respective land owners.

## CONCLUSION/PLANNING BALANCE

Whilst the Council can now demonstrate a 5 year supply of housing, case law has determined that strategic policies such as that contained in the Council's Core Strategies that have not been reviewed within 5 years of their adoption are now out of date, so therefore the weight to be apportioned to the Core Strategy policies is considered to be limited in decision making.

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

An assessment of the benefits and negatives provided by the scheme is given below with the weight apportioned to this in making a recommendation on this scheme:

<b>Benefit/Negative of the scheme</b>	<b>Weight given to the benefit/negative in decision making</b>
Provision of 21 new dwellings	The Council has 13.5 years' worth of housing supply and therefore the houses are not needed for the Council to meet its 5 year housing supply requirements. The benefit of delivering an additional 21 dwellings is considered to carry reduced weight in the decision making for this scheme.
Heritage impacts	The development would secure the re-use and retention of a positive building in the Worksop Conservation Area and a 'Building at Risk'. This matter carries considerable weight.
Visual Amenity	The scheme would have no significant adverse impacts on visual amenity or the character of the area.
Ecology	Subject to conditions securing appropriate ecological enhancements and mitigation measures it is considered that the scheme would have no significant adverse impacts on protected species and ensure that the development would result in a Biodiversity Net Gain.
Residential Amenity	The development as proposed would have no adverse implications for existing or future residents.
New residents into the area who will use and help to sustain existing local services and facilitate potential future growth opportunities due to their spending power	This meets the requirements of the economic and social objectives outlined in paragraph 8 of the NPPF and as such it carries significant weight in the determination of this case.

Construction related jobs	Whilst this may only be a transient part of this scheme, it meets the requirements of the economic objectives outlined in paragraph 8 of the NPPF and as such it carries a medium level of weight in the determination of this case.
Infrastructure contributions (public transport/education/local play space)	This meets the requirements of the social objectives as outlined in paragraph 8 of the NPPF and as such it carries significant weight in the determination of this case.
CIL/Council Tax/New Homes bonus payments	The scheme brings with it payments to Bassetlaw Council that can be reinvested back into the local economy. This is considered to carry significant weight in the determination of this case.
Compliant with adopted policies CS1 and CS2 of the Council's Core Strategy.	This is considered to carry limited weight in the decision making process for this case due to the fact that the Bassetlaw Core Strategy Strategic policies are now considered to be out of date.
Consultee responses to the case	Objections have been received from the County Highways Authority and Emergency Planning Team in terms of lack of parking and servicing arrangements and from the Theatres Trust in respect to the loss of a cultural facility. As such, these objection counts negatively towards this scheme.

Having regards to benefits outlined above, and principally securing the long term use and survival of a 'Building at Risk', it is considered that these when considered cumulatively outweigh any limited identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme must be granted planning permission.

#### **RECOMMENDATION:**

Grant subject to conditions and the execution of a S106 agreement

#### **CONDITIONS:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be in accordance with details and specifications included on the submitted application form and shown on the following approved plans:

Location and Block Plan, Drawing No. P/001 Rev. C received on 27 February 2023;  
Proposed Ground Floor Plan, Drawing No. P/010 Rev. G, received 27 February 2023;  
Proposed First Floor Plan, Drawing No. P/011 Rev. E, received 27 February 2023;  
Proposed Second Floor Plan, Drawing No. P/012 Rev. E, received 27 February 2023;  
Proposed Third Floor Plan, Drawing No. P/013 Rev. B, received 27 February 2023;

Proposed Basement Floor Plan, Drawing No. P/009, received 27 February 2023;  
Proposed Front and Side Elevation, Drawing No. P014 Rev. F, received 01 June 2023;  
Proposed Rear and Side Elevation, Drawing No. P/015 Rev. D, received 27 February 2023

Reason: To ensure the development takes the agreed form envisaged by the Local Planning Authority when determining the application and for the avoidance of doubt.

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

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

4. Notwithstanding the submitted details, before any works are carried out to the large stair window at the eastern end of the south elevation, detailed specifications of either a retention and repair scheme, or a replacement window, shall be submitted to and agreed in writing by the Local Planning Authority. The repaired or replacement window shall only be in accordance with the agreed details.

Reason: To ensure the repaired or replacement large stair window preserves the character and appearance of the Conservation Area

5. Before the timber cladding infill to the south and north elevation window openings is installed, details of their design, material and finish shall be submitted and agreed in writing by the Local Planning Authority. The completed timber infilling shall only be in accordance with these agreed details.

Reason: To ensure the timber infilling preserves the character and appearance of the Conservation Area.

6. Before any new lintels or cills are installed, details of their design and materials shall be submitted to and agreed in writing by the Local Planning Authority. The new lintels and cills shall only be in accordance with the agreed details.

Reason: To ensure the new lintels and cills preserve the character and appearance of the Conservation Area.

7. Before the new balconies on the south elevation are installed, details of their design, materials and finishes shall be submitted to and agreed in writing by the Local Planning Authority. The completed balconies shall only be in accordance with the agreed details.

Reason: To ensure the new balconies preserve the character and appearance of the Conservation Area.

8. Before the rainwater goods hereby permitted are installed, samples or detailed specifications of all rainwater goods (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed rainwater goods details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

9. Any new bricks required for the purposes of repairs shall match as closely as possible the size, colour, form and texture of the existing bricks.

Reason: To ensure the brick repairs preserve the character and appearance of the Conservation Area.

10. The slate roof hereby approved shall match as closely as possible the material, coursing, sizing, method(s) of fixing, length(s) of head lap and length(s) of exposure of the existing slate roof.

Reason: To ensure that the new slate roof matches the appearance and features of the existing historic slate roof, and preserves the character and appearance of the Conservation Area.

11. Before they are installed, full details of the siting, appearance and materials to be used in the construction of all external accretions including extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, TV aerials, satellite dishes, CCTV cameras or external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The accretions shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development preserves the character and appearance of the Conservation Area.

12. Before the east (front) elevation "REGAL HOUSE" lettering is installed, details of its design, font type, materials, method(s) of fixing and finish shall be submitted to and agreed in writing by the Local Planning Authority. The lettering shall be carried out only in accordance with the agreed details.

Reason: In order to ensure that the lettering preserves the character and appearance of the Conservation Area.

13. Before the rendered elements of the building are repainted, details of the paint finish, including paint type and colour(s), shall be submitted to and agreed in writing by the Local Planning Authority. The completed masonry paintwork shall only be in accordance with the agreed details.

Reason: To ensure the new masonry paint preserves the character and appearance of the Conservation Area.

14. Notwithstanding the above condition, and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), the building's external masonry shall not be repainted, unless in an exact like-for-like colour, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Worksop Conservation Area. The unsympathetic repainting with non-traditional colours, or the painting of existing exposed brickwork, would cause harm to the character and appearance of the Conservation Area.

15. No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written

Schemes of Investigation for a historic building recording and provision for further mitigation work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological mitigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

16. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

17. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

18. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. No surface water to enter the foul water system by any means. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.



19. No development shall take place, until a survey has been carried out by a suitably trained person to establish whether or not any protected species of bat are present within the buildings to be demolished (including all outbuildings) and the results of the survey have been accepted in writing by the Local Planning Authority. If the survey results confirm that protected species are present, details of working design, method and timetable to mitigate undue disturbance to the protected species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The mitigation measures shall be carried out only in accordance with the agreed details.

Reason: To ensure adequate protection of any identified bat habitat.

20. No development shall commence until a scheme for the provision of bird and bat boxes units within the development has been submitted to and agreed in writing with the Local Planning Authority. The approved bird and bat boxes shall be completed and available before the dwellings hereby permitted are first occupied and shall be retained for the life of the development.

Reason: To ensure that the optimal benefits of biodiversity are achieved.

21. No part of the development approved by this permission shall be occupied until a refuse storage and management plan have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be fully implemented prior to the occupation of the approved apartments and shall remain in place for the life of the development.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site and in the interests of highway safety.

22. The offices and gymnasium contained within the scheme shall be only for the benefit of the occupiers of the flats hereby permitted.

Reason: To ensure the development takes the form envisaged.

23. No apartment shall be occupied unless it has been constructed in accordance with a scheme submitted to, and agreed in writing by the Local Planning Authority, so as to ensure that the building envelope provides sound attenuation against external noise, with windows shut and other means of ventilation provided, to achieve an internal noise level of no greater than the guideline internal ambient noise levels in dwellings of BS8233:2014.

Reason: In the interests of residential amenity.