



Report to Planning Committee 7 July 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Oliver Scott, Senior Conservation, ext. 5847

Report Summary			
Application Number	22/00986/S19LBC		
Proposal	Variation of condition 2 attached to planning permission 21/02470/LBC to amend the proposed staircase		
Location	The Buttermarket, 27 Middle Gate, Newark-on-Trent, NG24 1AL		
Applicant	Newark and Sherwood District Council – Mr Peter Preece	Agent	Jackson Design Associates - Mr Alex Brown
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage		
Registered	20.05.2022	Target Date	15.07.2022
Recommendation	Approve, subject to conditions		

This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.

1.0 The Site

The application site comprises the building known as the ‘Buttermarket’. This building fronts Middle Gate, with a side access to Chain Lane. It is connected to Newark Town Hall.

In accordance with Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’), the building complex known as the Buttermarket is considered to form part of the Grade I Town Hall listing, which adjoins to the east of the application site.

The Buttermarket is otherwise surrounded by important period buildings within a highly sensitive location at the heart of Newark Conservation Area (CA). In terms of the Council's Local Development Framework, the site lies within the area defined as Newark Town Centre and Primary Shopping Area, and also within Newark's Historic Core.

The main building within the Buttermarket complex comprises a distinctive former Victorian covered market, built 1883-84. It has an attractive gabled façade to Middle Gate, and is constructed in red brick externally with lead, glazing and slate roofs. Ancillary areas to the rear of 23 and 25 Middle Gate include an area at first floor known as the 'old bar' area. For ease of reference, the Buttermarket is considered to be the entirety of the building complex comprising the former covered market (which currently includes Tambo and Iguazu), and the Exchange (including Hobsons Shoes), as well as vacant upper floor space behind 23 and 25 Middle Gate (Specsavers and Gracegentle). When we refer to the former covered market, we refer only to the main building element which includes the central atrium and mezzanine.

The Buttermarket complex is an important thoroughfare between Middle Gate, Chain Lane and the Market Place (via the Town Hall). The Council has invested significantly in the renovation and repurposing of this building complex.

2.0 Relevant Planning History

19/01410/FUL & 19/01411/LBC - Alterations and conversion of units 4, 9, 10 and 11 into a single unit including demolition of internal partitions and centralising of incoming services along with all required strip out; new openings into mall area; new floor levels within unit(s); tanking and damp proofing works to basement and creation of extract ducting through the building; Block up window and door to Chain Lane and re-design of shopfront to Middlegate. Approved, all conditions discharged fully.

20/00210/LBCLDC - Application for a Certificate of Lawfulness for proposed works to include the strip out and removal of former additions (not part of the original building fabric) at first floor. Certificate issued.

20/00322/LBCLDC - Certificate of lawfulness of for proposed works to Listed Building to include combining 3no former units to create 1no single unit, the internal alterations include the removal of former additions to the building (not part of the original building fabric). Certificate issued.

21/02468/LBCLDC – Fit out and refurbishments of 'old pub' area, refurbishments of Atrium floor and ceiling finishes at first floor and refurbishment of ground floor staff toilets. Certificate issued.

21/02462/LBC - Removal of existing in-filled wall within the Buttermarket First Floor Atrium and provision of new access doors. Approved 19.01.2022.

21/02470/LBC – Provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level. Approved by Committee 18/01/2022. Condition 2 discharged (ref 22/00218/DISCON) 04.03.2022.

3.0 The Proposal

The proposal seeks consent to tweak the design of an approved staircase within the Buttermarket. The original permission (ref 21/02470/LBC) was approved by the Committee in January this year, and comprised the installation of a new staircase at the eastern end of the main atrium adjacent to the existing lifts. Although the conditions have been fully discharged, it has not yet been implemented. The applicant now seeks to modify the approved plans by adding a structural column beneath the stair case. For clarity, the design of the staircase is unchanged other than the inclusion of a new single metal column beneath the lower landing.

A scheme to re-open a blocked doorway through the wall between the first floor atrium and former bar area has recently been approved (ref 21/02470/LBC), forming part of the Council's wider project to renovate and repurpose the Buttermarket.

Documents considered within this appraisal:

- Application form
- Proposed staircase and glass balustrade – dwg no. G-01 – REV P01

4.0 Departure/Public Advertisement Procedure

A site notice was placed on a lamppost on the road in front of the property on 27th May 2022.

An advert was placed in the Newark Advertiser on 2nd June 2022.

Newark Town Council was consulted on the 24th May 2022.

Historic England was consulted on 24th May 2022.

5.0 Planning Policy Framework

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance (online resource)

6.0 Consultations

Newark Town Council was consulted on the 24th May 2022. A response was received on 6th June confirming no objection from the Town Council (meeting held on 1st June 2022).

Historic England was consulted on 24th May 2022. A response was received on 26th May 2022. They did not wish to offer any comments, but wanted to be consulted again if the scheme was materially changed.

7.0 Comments of the Business Manager – Planning Development

The former covered market now known as the Buttermarket is a curtilage listed structure fixed to and historically associated with the Town Hall (Grade I). It is considered to fall within the meaning of a listed building as set out under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’).

Section 16 of the Act requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised July 2021). 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, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 206).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). Historic England Advice Note 2 (2016) states: “The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration; If alteration is justified on other grounds then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset and of the asset as a whole. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset’s aesthetic, historic or evidential value if they are left in place” (paragraph 43).

Significance of heritage asset

On 3 July 1882, the Borough Council resolved to erect a covered market on the site of the

shambles, between the Buttermarket and Middlegate. Four plans were examined, those of C Bell (London) (£2,000) and Mr Lees of Nottingham (£2,048) having iron and glass roofs. Mr Bell's plan was adopted. The foundation stone was laid in October 1883 and the market was opened in October 1884. The plans for internal fittings were prepared by George Sheppard, Borough Surveyor, who also made the only known contemporary drawing of the New Market, published in 1886.

In celebration of the opening, the Newark Advertiser wrote thus: 'The area was formerly covered by the shambles but the shops were very old and dilapidated... various difficulties arose owing to the property dealt with belonging to three distinct bodies, the Corporation, and the Trustees of Bell's and Phillipott's Charities, and also owing to the question of ancient rights of light. The iron roof is supported by elegant but powerful iron pillars standing on stone corbels. The interior is of white brick and the floor is of concrete. The roof is of wood, boarded and the exterior slated in. A long range of windows on the north side admits plenty of light while at night the building will be illuminated by two large Bray's lamps of seven lights each, and four gas lights round each pillar. Each of the lock-up shops is also fitted with gas burners. The exterior of the building is of red brick. The circular window at the Middlegate end is filled with coloured glass. There are 17 lockup stalls let at £5-4-0 p.a. apiece exclusive of gas. In the centre are 25 stalls rented at £3-18-0 p.a. each. All have been let.' The memorial stones were originally on either side of the entrance, with a drinking fountain in the central wall.

The New Market Hall does not seem to have been a commercial success. In 1896 a local paper wrote that: 'The large and commodious New Market Hall, built for business which never came, offers at once seclusion... and a perfect quietude and atmosphere of repose, around which... the town's trade and commerce runs without disturbing the solitary interior.'

Historic photographs record that a campaign of 'restoration' was undertaken in 1936 but it is unclear how extensive this was. Further works were undertaken in 1950 including 'alterations to main entrance and provision of male cloakroom and toilets' and in 1959 the main entrance was altered.

By the 1970s the interiors had 'deteriorated markedly' as a result of many phases of repair. In 1982 the Town Council acquired the freehold from the District Council. The restoration of the Town Hall was led by the Town Council and funded by a commercial partnership by which, in 1988, Lovell Enterprise (Newark) Ltd acquired the 1884 New Market from NSDC and leased the ground floor of the Town Hall itself, intending to create a single retail complex. The interventions included the introduction of a mezzanine floor and stairs within the shell of the New Market, the creation of new retail units at ground and first floor levels, and new connections to the buildings to the north and to Chain Lane. The intention was that the building should subsequently be self-financing. The roof of the Market Hall was replaced. The work was carried out by the developer and his architect to the Town Council's recommendations with Guy St John Taylor [of Newark] acting as consultants.

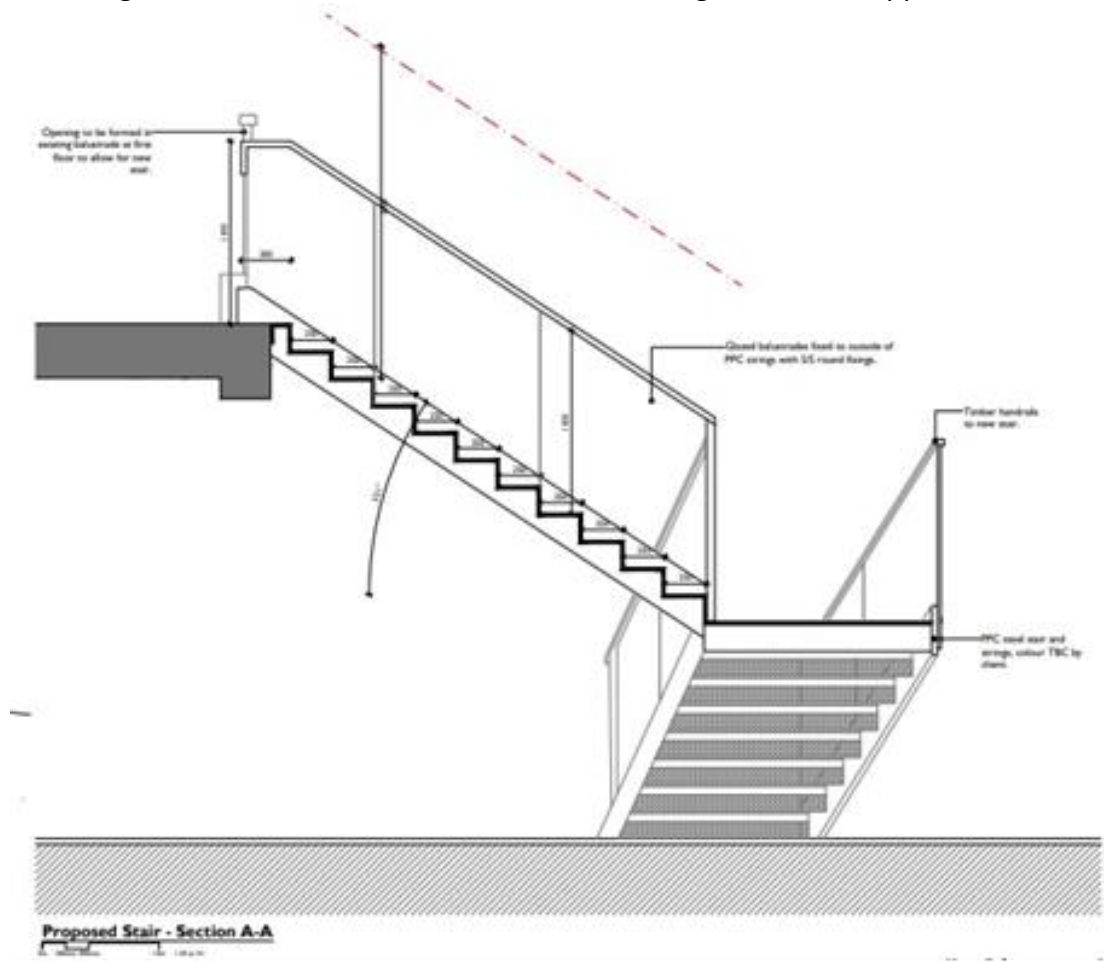
The New Market is not listed in its own right, although it is physically connected to the Town Hall and is considered to form part of the Town Hall's curtilage (thus part of the listed building, as explained in the legal section above)). Its architect, Charles Bell FRIBA 1846–99 was prolific but not distinguished. He is best known for his Methodist Chapels and schools. His design for the New Market was straightforward. Beyond the somewhat chapel-like elevation to

Middlegate, it is essentially utilitarian. The primary construction details are of good quality- for example the white brick facing of the interior. Only the west façade aspires to polite architecture; it makes an attractive contribution to the streetscape in Middlegate, in which it is the principal 'event' in long views from north and south.

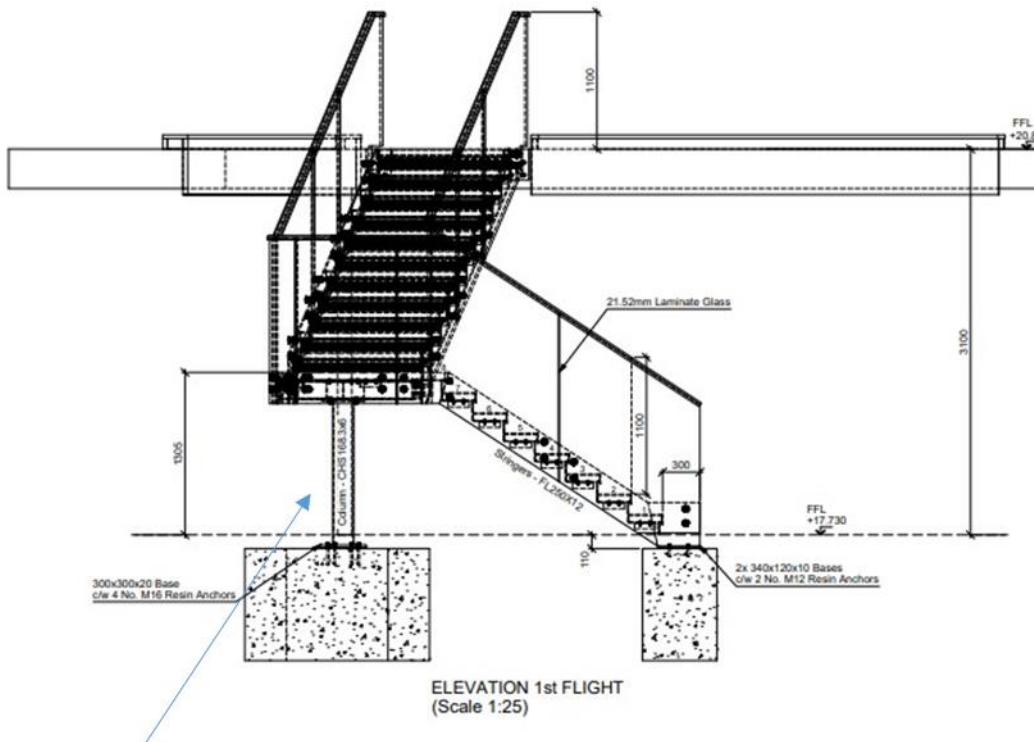
A number of Bell's buildings are listed, although not his only other known (and surviving) market building in Darwen, Lancashire (it is rather more elaborate than Newark). The principal significance of the New Market is its street elevation and while the Market Hall is characteristic of its date and is at least potentially, an attractive space, its original design is utilitarian and it has been greatly altered internally. Nevertheless, the building contributes positively to the character and appearance of the CA and forms a key element in the setting of the listed town hall.

Assessment of proposal

As explained in our previous report considered by the Committee, the installation of a new staircase is considered to be acceptable. It will cause no harm to the listed building, and has a simple, elegant design. It is also considered to have a clear and convincing justification insofar as allowing a positive new use of the upper floors and providing appropriate fire escape and access. The proposed amendment to the scheme is considered to be minor, consisting of the addition of a small metal pillar below the landing (approx. 1.3m in height). The design of the staircase itself is otherwise unchanged from the approved scheme.



The approved staircase design. The landing (the lower section to the right) has no support stanchions.



The revised details allow for a central column below the landing.

The column will not be unduly prominent when viewed within the building, including when seen from the Middle Gate entrance. In essence, the visual impact is not significantly different from the scheme already approved. The post will be obscured to some extent behind the risers, and when seen from the side, will present as a minor structural element.

The column is needed for structural reasons. The original design ethos was simple elegance with minimal fixings and fixtures. Following expert engineering advice, it has been deemed prudent to add a structural column. The architect has sought to keep the original design ethos by making the new column as discreet as possible. Conservation feels that this has been achieved. The original design is not adversely affected by the alteration, and no harm will subsequently be caused to the listed building.

Other material considerations

The Town Council raised no objection to the proposal. As the adjacent landowner, and a key partner in the management of the town centre, the Town Council's opinion is important in this context.

Historic England did not wish to comment on the proposal. Whilst this cannot be interpreted as support for the proposal, it is felt that their lack of concern is due to confidence in the Council's in-house Conservation advice and the modest nature of the proposal.

Safety and accessibility are relevant considerations in this case. The upper floor mezzanine is an approved alteration from the 1980s. This included a substantial staircase within the atrium (now removed), and therefore the local planning authority has already established the principle of a stair access within this part of the building. Fire escape is an important consideration, and providing a second staircase (to compliment the access to Chain Lane via

the old bar area) will ensure that there is a safe environment for first floor users in the future. The revised plans ensure that the staircase is fit for purpose.

The wider Council strategy has sought to improve the appearance of this building complex, including repurposing areas of the building with positive and sustainable new uses. The new restaurant and retail units for example that now takes up the ground floor of the Buttermarket have added vibrant uses to the building. The next phase of works to the first floor will help continue this positive approach, helping provide a sustainable future for the Buttermarket. The proposal is therefore considered to be a public benefit within the meaning of paragraph 20 of the Planning Practice Guidance (heritage section).

Whilst we have not found any fundamental harm with the proposal (in the context of paragraphs 200-202 of the NPPF), it is felt that the applicant's reasons for proposing the scheme carry clear and convincing reasons, including helping sustain the heritage values of the Town Hall (by reusing the heritage asset) and providing safe access to the upper floors.

There are no other material considerations in this case.

8.0 Conclusion

For the reasons set out above, the proposed works are considered to cause no harm to the special interest of the Town Hall, a Grade I listed building. The proposal is therefore considered to be consistent with the objective of preservation required under section 16(2) of the Act. The scheme is also considered to accord with heritage policies and advice contained within the Council's LDF DPDs (notably CP14 and DM9), and section 16 of the NPPF.

The proposal will cause no harm to Newark CA or the setting of any other heritage asset.

We draw your attention to the minor nature of the amendment and the need for the proposal which will provide safe and appropriate access to the first floor of the Buttermarket, and will support the reuse of the remaining vacant parts of the building. The proposal is part of a phased project aiming to bring activity and life back to the Buttermarket, contributing to wider social and economic aims that will benefit the local community.

We conclude by advising that the proposals have sought to balance the sensitive heritage values of the site through good design with optimum location and minimal disruption to the openness of the atrium.

9.0 Conditions

Listed Building Consent is granted subject to the conditions below;

Conditions

1. The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation

Areas) Act 1990.

2. The new staircase hereby permitted shall not be carried out except in complete accordance with drawing number G-01 – REV P01.

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

Informative notes

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

2. The Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in the application. It should however be noted that:

a) Any variation from the approved plans and specifications following commencement of the works, irrespective of the degree of variation, will constitute unauthorised works, would be a criminal offence and would be liable for enforcement action.

b) You or your agent or any other person responsible for implementing this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.

3. REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2015
The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as the National Planning Policy Framework (Revised July 2021).

4. Any damage caused by or during the course of the carrying out of the works hereby permitted should be made good within 3 months after they are complete.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00986/S19LBC

