



Report to Planning Committee 16th February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
<b>Application Number</b>	22/02458/FUL		
<b>Proposal</b>	Provision of new shopfront		
<b>Location</b>	Travail Employment Group, 1 Appleton Gate, Newark On Trent, NG24 1JR		
<b>Applicant</b>	Lisa Abel	<b>Agent</b>	Mrs Nichola Robinson
<b>Registered</b>	23.12.2022	<b>Target Date</b>	22.02.2023
<b>Weblink</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/02458/FUL">22/02458/FUL   Provision of new shopfront   Travail Employment Group 1 Appleton Gate Newark On Trent NG24 1JR (newark-sherwooddc.gov.uk)</a>		
<b>Recommendation</b>	That planning permission be APPROVED subject to the Conditions set out in Section 10 of this report		

**This application is presented to Planning Committee due to there being a Council interest in the proposed development.**

### **1.0 The Site**

The application relates to a terraced Grade II listed building dating from early 19<sup>th</sup> century. Originally built within a row of late Georgian town houses, but which are now in retail use with shopfronts at ground floor level. The current shopfront is modern dating from late 20<sup>th</sup> century and is of no architectural or historic interest.

The building fronts Appleton Gate, opposite its junction with Barnby Gate, within the designated Newark Conservation Area and the town’s defined Historic Core.

### **2.0 Relevant Planning History**

**PREAPP/00356/22 – Support for new shopfront.**

## **22/02457/LBC – Provision of new shopfront - Pending Consideration**

### **3.0 The Proposal**

The proposal seeks permission for the replacement of the existing shopfront, of post-war design with a traditionally designed shopfront incorporating a recessed doorway with timber panelled stall riser, transoms and side pilasters with consoles and fascia with architrave and hand painted signage.

### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 9 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Site Visit undertaken on 05.01.2023

### **5.0 Planning Policy Framework**

#### **The Development Plan**

#### **Newark and Sherwood Amended Core Strategy (adopted March 2019)**

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM5 – Design

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Shopfronts and Advertisements Design Guide SPD 2014
- Planning (Listed Buildings and Conservation Areas) Act 1990

### **6.0 Consultations**

**Newark Town Council** – No Objection, subject to the works being done in line with the Council's SPD which covers shop frontages.

**NSDC, Conservation** – support the proposed development. The modern, post-war shopfront is of no special interest, its replacement is welcomed. The use of traditional design elements and appropriate sections and materials ensures that the development will better reveal the significance of the host building.

Historic England have raise no objection to the proposals. Both Historic England and Newark and Sherwood District Council are providing grant assistance through the HSHAZ to support

the replacement shopfront. The scheme is a reinstatement of traditional detailing and an improvement to the high street and significant weight should be afforded in the planning merits of the case.

The proposed works/development preserve the special interest of the listed building which is consistent with s16 and s66 of the Act. The proposals are also compliant with heritage policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPD's. The proposal has no adverse impact on the setting of any other heritage asset, and causes no harm to the character and appearance of the Newark CA.

**Heritage Action Zone Officer** – This proposal forms part of the Newark-on-Trent High Streets Heritage Action Zone (HSHAZ) scheme, which aims to promote the vitality of the town by protecting, enhancing, and celebrating heritage.

As the HSHAZ project officer, I fully support these proposals as it better reveals the significance of a listed building and improving the appearance of its immediate neighbourhood, and ultimately creating a positive change to the ambience of the town centre.

**Historic England** – The application has been discussed with Historic England and they are happy with the proposed alterations.

**Representations** – No public or neighbour comments have been received.

## **7.0 Comments of the Business Manager – Planning Development**

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

As the application concerns designated heritage assets of a listed building and the conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

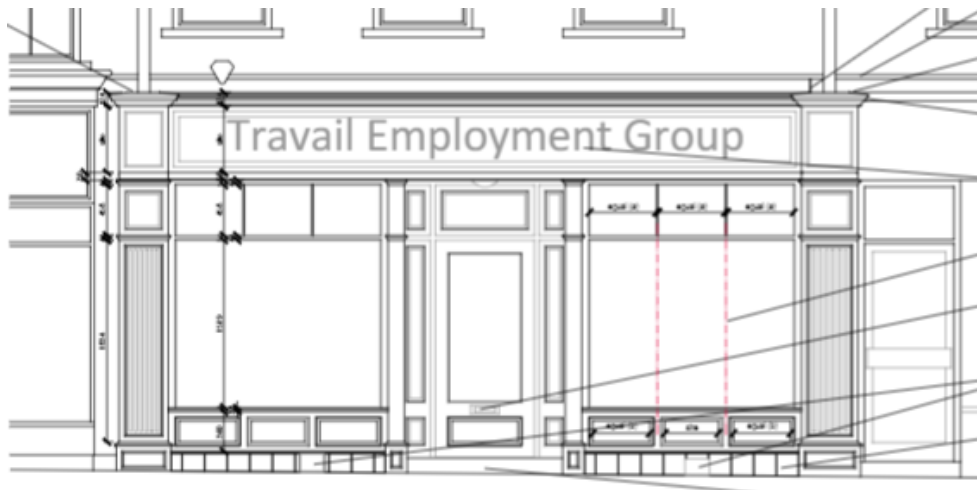
### Impact upon Character of Area

Policy DM5 supports development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy. It also states that the rich local distinctiveness of the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Section 12 of the NPPF refers to achieving well designed places. Paragraph 12 states that good design is a key aspect of sustainable development by creating better places in which to live and work in and helps make development acceptable to local communities. Paragraph 134 of the NPPF advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.

As part of the Development Plan, Core Policy 14: Historic Environment (Core Strategy DPD) and DM9: Protecting and Enhancing the Historic Environment (Allocations and Development DPD) amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Paragraph 189 within section 16 of the NPPF advises that 'Heritage Assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations, Paragraph 200 of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

The proposal seeks to replace the existing post war shopfront which is of no special interest and replace it with a more traditional shop front. This is considered to make a positive contribution to the listed building and conservation area as well as the setting of other nearby listed buildings, namely 1A and 3 Appleton Gate (Grade II), 25 Bridge Street (Grade II), 1-9 Barnby Gate (Grade II) and 2-4 Appleton Gate (Grade II). No harm would be caused to the host building or surrounding buildings and area and is therefore considered to comply with the duties of preservation under Sections 66 and 72 of the (Listed Buildings and Conservation Areas) Act 1990.



It is therefore considered that the proposed development would accord with the aims of Policies DM5 and DM9 of the A&DM DPD, CP14 and CP9 of the Amended Core Strategy and the provisions of the NPPF and the Newark & Sherwood Shopfronts and Advertisements Design Guide SPD which are material considerations.

## **8.0 Implications**

In writing this report and in putting forward recommendation's officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **9.0 Conclusion**

In conclusion, it is considered that the proposal accords with Core Policy 9 (Sustainable Design) and 14 (Historic Environment) of the Amended Core Strategy DPD and policies DM5 (Design), DM9 (Protecting and Enhancing the Historic Environment) and DM12 (Presumption in Favour of Sustainable Development of the Allocation and Development Management DPD as well as the and guidance within the NPPF and the Newark & Sherwood Shopfronts and Advertisements Design Guide SPD which are material considerations. Therefore, there are no reasons why this application should not be permitted, subject to conditions.

## **10.0 Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall be carried out only in accordance with the details, materials and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan Drawing Number 1283 / 003
- Proposed Plans and Elevations Drawing Number 1283 / 002 Rev C
- Working Drawing Set Out Plan Drawing Number 1283/ 004 Rev B
- Working Drawing Pilaster Details Drawing Number 1283/ 005 Rev B

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

03

The new shop door shall include a doorknob detail and not a lever handle.

Reason: To preserve the special architectural and historic interest of the listed building and the character and appearance of the Conservation Area.

### Informatives

01

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

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

03

Access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other representative, to inspect the works whilst these are in progress and upon completion.

04

For the avoidance of doubt this permission should be read in conjunction with Planning Application 22/02457/LBC.

BACKGROUND PAPERS  
Application case file.

Committee Plan - 22/02458/FUL

