



Report to Planning Committee – 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
Application Number	22/02457/LBC		
Proposal	Provision of new shopfront		
Location	Travail Employment Group, 1 Appleton Gate, Newark On Trent, NG24 1JR		
Applicant	Lisa Abel	Agent	Smith And Roper - Mrs Nichola Robinson
Web Link	22/02457/LBC Provision of new shopfront, drainage works and decoration. Travail Employment Group 1 Appleton Gate Newark On Trent NG24 1JR (newark-sherwooddc.gov.uk)		
Registered	04.01.2023	Target Date	02.03.2023
Recommendation	That Listed Building Consent be GRANTED subject to the Conditions set out in Section 10 in the report		

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

1.0 The Site

Refer to corresponding FUL report (22/02458/FUL).

2.0 Relevant Planning History

PREAPP/00356/22 – Support for new shopfront.

22/02458/FUL – Provision of new shopfront - Pending Consideration

3.0 The Proposal

The proposal seeks listed building consent 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

Refer to corresponding FUL report (22/02458/FUL).

5.0 Legal and Policy Considerations

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decision 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, the Local Planning Authority (LPA) is required to be mindful of other material considerations in determining such matters:-

- Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Historic England's Good Practice Advice Note 2 – Managing significance in Decision Taking in the Historic Environment
- Historic England Advice Note 2 – Making Changes to Heritage Assets

6.0 Consultations

Refer to corresponding FUL report (22/02458/FUL).

7.0 Comments of the Business Manager – Planning Development

The key consideration in this application is the impact upon the listed building.

Section 16 of the Act requires the Local Planning Authority to have regard to the desirability of preserving the listed building, its setting, and any architectural features it may possess. In this context, the objective of preservation is to cause no harm. The NPPF states that 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. Paragraph 200 of the NPPF advises that the significance of designated heritage assets (including listed buildings) can be harmed or lost through alterations or work within their setting.

Paragraph 197 of Part 16 of the NPPF (2021) states:

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.'

This application seeks consent for the insertion of a new traditional shopfront. Given the historic context of this site, the Conservation team has confirmed that the proposal is acceptable and I concur with the overall conclusion that the proposed works would not result in harm to the significance of the listed building.

In summary, the proposal is not considered to adversely affect the architectural or historic interest of the listed building, nor would it result in any harm to its significance.

Subject to conditions, the proposal therefore reflects the objectives of preservation of the significance and special interest of the listed building required under section 16 of the LB&CA Act and is in accordance with the requirements of Part 16 of the NPPF.

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 Recommendation

That Listed Building Consent is granted subject to the conditions set out below.

10.0 Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works hereby consented 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 works take 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.

Informatives

01

Reasons for approval in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decision 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.

02

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.

The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

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.

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture, and profile.

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 consent should be read in conjunction with Planning Application 22/02458/FUL.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/02457/LBC

