



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	23/00014/FUL		
Proposal	Alterations to reinstate former traditional shopfront.		
Location	Flossie And Boo, 19 Market Place, Newark On Trent, NG24 1EA		
Applicant	Mr James Carpenter	Agent	Mrs Cara De Angelis
Registered	04.01.2023	Target Date	02.03.2023
Weblink	23/00014/FUL Alterations to reinstate former traditional shopfront. Flossie And Boo 19 Market Place Newark On Trent NG24 1EA (newark-sherwooddc.gov.uk)		
Recommendation	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 an end-terrace building within the Market Place in Newark. The site lies within the designated Newark Conservation Area and the town’s defined Historic Core. The building fronts Market Place with the existing shopfront being modern and of no special interest.

The Historic England list entry advises that the house, now an office, dates to the late 18th century with mid-19th century and late 20th century alterations, the building is Grade II listed and was designated 19th May 1971.

2.0 Relevant Planning History

23/00015/LBC - Alterations to reinstate former traditional shopfront – Under Consideration

PREAPP/00343/22 – Replacement shop front – Support new shopfront

20/00025/FUL and **20/00026/LBC** - Use of ground floor as A1 Retail; Change of use of first floor from Office B1 Use to A1 Retail Use including internal alterations and conversion of second and third floors to form 2 No. 1 bed residential units, insertion of rooflight to rear elevation, connection to soil pipe at adjacent property, replacement windows, re-roofing (Permitted 19.06.2020)

3.0 The Proposal

The proposal seeks full planning permission for the replacement of the existing shopfront. The proposal seeks to improve the existing appearance by referencing the historic shop front previously on the building from the early 20th century

4.0 Departure/Public Advertisement Procedure

Occupiers of 10 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 Development Plan Document (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 undertaken in line with the Council's SPD which covers shop frontages.

Conservation – The submitted plans reveal that the early 20th century shop front is the inspiration for the proposal. This is welcomed. Removal of the modern brickwork infill to the side (an important throughfare) will improve the setting of St Mary's, and there is something quite pleasing about the early 20th century shop front which has hints of art deco movement that typified the era. There have been some deviations from the original design to ensure appropriate accessibility through the main door and to deal with structural challenges of the corner and side wall gable the proportions, sections and detailing are appropriate in context the applicant has provided detailed drawings on all aspects of the construction, including materials and finishes and the proposal is considered sympathetic to the original shop front design it references.

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 Newark CA.

Full Conservation comments are available on the NSDC website.

Heritage Action Zone Officer - This proposal forms part of the Newark-on-Trent HSHAZ scheme, which aims to promote the vitality of the town by protecting, enhancing, and celebrating heritage. The HSHAZ project is funded by central government, through Historic England, and contributions from Newark & Sherwood District Council and the private sector.

As the HSHAZ project officer, I fully support these proposals. It will help in better revealing the significance of a listed building and improving the appearance of its immediate neighbourhood, 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.

Neighbour & Public consultations – No neighbour or public 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 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. Local Planning Authorities (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 shopfront which is of no special historical interest and reinstate with a traditional shop front with inspiration from the early 20th century, this would include realigning the shopfront with a chamfered corner and installing a traditional timber shopfront with a glazed window display area, a recessed double door entrance and a

painted plinth. The replacement would have some deviation for accessibility purposes however is considered to make a positive contribution to the listed building, Market Place, and Conservation area as well as the setting of other nearby listed buildings - namely (Grade I) St Mary's Church and (Grade II) 22 and 23 Market Place. 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), DM12 (Presumption in Favour of Sustainable Development of the Allocation and Development Management DPD and the Newark & Sherwood Shopfronts and Advertisements Design Guide SPD as well as the and guidance within the NPPF, 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 and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Proposed Plans and Elevations Drawing Number (08)101 Rev A Received 27.01.2023
- Proposed Details (1/2) Drawing Number (08) 102 Received 27.01.2023
- Proposed Details (2/2) Drawing Number (08) 103 Received 27.01.2023
- Site Location Plan Drawing Number (19)001 Received 04.01.2023

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

03

The development hereby permitted shall be constructed entirely of the annotated material and details submitted and agreed on Drawing Numbers (08)101 Rev A, (08) 102 and (08) 103.

Reason: In order to safeguard the special architectural or historical appearance of the listed building and to preserve or enhance 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/

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 consent should be read in conjunction with Planning Application 23/00015/LBC

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/00014/FUL

