



Report to Planning Committee – 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
<b>Application Number</b>	23/00015/LBC		
<b>Proposal</b>	Alterations to reinstate former traditional shopfront.		
<b>Location</b>	Flossie And Boo, 19 Market Place, Newark On Trent, NG24 1EA		
<b>Applicant</b>	Mr James Carpenter	<b>Agent</b>	Mrs Cara De Angelis
<b>Registered</b>	04.01.2023	<b>Target Date</b>	02.03.2023
<b>Weblink</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/00015/LBC">23/00015/LBC   Alterations to reinstate former traditional shopfront.   Flossie And Boo 19 Market Place Newark On Trent NG24 1EA (newark-sherwooddc.gov.uk)</a>		
<b>Recommendation</b>	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 (23/00014/FUL).

**2.0 Relevant Planning History**

**23/00014/FUL** - Alterations to reinstate former traditional shopfront. - Under Consideration

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

### **3.0 The Proposal**

The proposal seeks listed building consent 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 20<sup>th</sup> century.

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

Refer to corresponding FUL report (23/00014/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 (23/00014/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**

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 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:

- Proposed Plans and Elevations Drawing Number (08)101 Received 04.01.2023
- Site Location Plan Drawing Number (19)001 Received 04.01.2023

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

## Informatives

01

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 considerations.

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 23/00014/FUL.

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/00015/LBC



